

**Public Service
Commissions of India :
A Study**

PUBLIC SERVICE COMMISSIONS OF INDIA A STUDY

By

Dr. C. N. BHALERAO
M.A., Ph.D.,

With a Foreword

By

Dr. L.M. SINGHVI, M.P.,
M.A., LL.M. (Harvard), D. Sc. Law (Cornell)



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TO

**Professor V. K. N. Menon,
Dr. Jyotindra M. Mehta
and
Shri D.V. Rege**

“Our governmental problem lies in the question : ‘How can we be a complex society and yet be a democratic society ?’ ”

Paul H. Appleby

“The test of a democratic and developmental administration is the extent to which it represents the needs and values of the different sectors of society and acts as an instrument of social change. Unless we assign to the administration its due place in the scheme of democratic government, we would imperceptibly slip into an Administrative State. Efficiency in administration is no doubt a paramount need in a democratic government, especially of a developing society ; but what is even more important is the development of an ‘administrative culture,’ based on flexibility, freedom and initiative, which encourages scrutiny and change of traditional forms and techniques when they are found unsuited and which recognises public interest as the supreme end of a democratic government and administration”.

An observer

FOREWORD

As a pioneering study of the working of Public Service Commissions in India, Dr. C. N. Bhalerao's doctoral dissertation would, I am sure, be received with great interest. I hope that the study would also serve as a starting point for a continuing and critical examination of the composition, functions, techniques and procedures of Public Service Commissions in India, particularly in the perspective of the vital role assigned to them in the Constitution of India.

Article 16 of the Constitution of India guarantees that there shall be equality of opportunity for all citizens in matters relating to employment or appointment to any office under the State. Public Service Commissions constitute the machinery to effectuate this far-reaching promise of the Constitution.

The "Services" are an important limb of the organization of state. With the advent of democratic institutions, the "Services" continue to enjoy a pivotal place in the scheme of administration in India.

The philosophy of the Constitution with regard to the "Services" is neither a fresh start nor a break with the past. Indeed, the Indian Constitution has broadly endorsed the approach of the Royal Commission on the Superior Civil Services in India which observed as far back as 1923 : "Wherever democratic institutions exist, experience has shown that to secure an efficient Civil Service it is essential to protect it so far as possible from political or personal influence and to give it that position of stability and security which is vital to its successful working as the impartial and efficient instrument by which Governments, of whatever political complexion, may give effect to their policies. In countries where this principle has been neglected and where the "spoils systems" has taken its place an inefficient and disorganized Civil Service has been the inevitable result and corruption has been rampant".

The values of independence, impartiality and integrity are the basic determinants of the Constitution's conception of Public Service

Commissions and their role and functions. The many safeguards provided in the Constitution bespeak eloquently the anxiety of the founding fathers to ensure the independence of Public Service Commissions.

Dr. Bhalerao's dissertation takes us diligently through a concise historical survey of the evolution of public services and Public Service Commissions which is meaningfully delineated in the context of constitutional developments in India. As he has pointed out, the British regime proceeded to establish Public Service Commissions in India because of the widely-felt need for the Indianisation of the Services and in order to maintain efficient and contented public services. In seeking to build on the foundations of the British legacy, our Constitution-makers meant to provide an element of stability and continuity.

Against this historical and constitutional background, Dr. Bhalerao's study seeks to analyse the institutional and functional framework of the Public Service Commissions in India. In an intensely-contemporary setting, he discusses the conditions prevailing in the public services in India, the relationship between politics and administration, the adequacy of the powers and functions of Public Service Commissions in India and the gap in the theory and practice of these Commissions. Evidently, these are issues of pressing practical relevance today and deserve the sustained attention of the people and the policy-makers in a democratic country.

Not without reason is the bureaucracy assailed for an undue emphasis on fixed authority and stagnant procedures, for its relative lack of initiative, resourcefulness and flexibility, for its exclusivism, insularity and aggrandizement, for its tendency to avoid responsibility, for its preoccupation with the trivia of pins and paper-clips and for its unshakable allegiance to the Parkinsonian Law of the Rising Pyramid. The constructive task before the scholars and statesmen in our country is to penetrate beneath the surface, to study the underlying causes of the deficiencies of the Services and to institute remedial measures. Similarly, complaints of extensive political interference in administration and complaints of nepotism and corruption have to be studied and analysed so that our system may be purged of them.

The central thesis of the present dissertation is that within the limitations imposed by socio-cultural, political and economic forces in the country, improvements in the bureaucracy and public administration can be brought about by sincere and sustained efforts by the governments. In support of this view, the author has appropriately

cited the United Nations Technical Assistance Committee on Public Administration (1951) which observed that "the most serious defects in public administration are frequently those arising out of inferior personnel practices. Conversely the raising of personnel standards is one of the most substantial ways to achieve lasting results for a sound* Public Administration and a stable development programme. Under-developed as well as developed countries may experience sooner than they expect some of the difficulties of personnel administration, unless they are ready to instal some minimum of rational practices *pari passu* with the intensification of their developmental programmes and the proliferation of their staff." The author's contention is that the personnel practices in India constitute an important sector in which substantial improvements are needed if the public services are to function as an effective instrument of social change. In institutional terms, he questions the control of the Ministries of Home Affairs and Finance at the Centre and that of the General Administration Departments in the States over the public services. He feels that the problems of patronage, favouritism and deviation from the merit principle in the public services are still big enough to justify opposition to continuing this control with the executive. The author has, in my opinion, made out a strong case for the extension of the powers and functions of the Commissions, besides their principal task of recruitment to the public services and the limited advisory functions assigned to them. This, I think should be done by the Parliament under the authority given to it under Articles 321 of the Constitution. Unfortunately, what has actually happened is that instead of extending the functions of Public Service Commissions by parliamentary legislation, the Executive has made regulations specifying matters in which it shall not be necessary to consult the Union Public Service Commission under proviso to Article 320 of the Constitution.

While the Constitution provides safeguards for the independence of the Public Service Commissions, there are certain obvious limitations which cannot be surmounted by the provisions of the Constitution alone. Such is the limitation, for example, which arises from political patronage and preferment in the appointments to the various Commissions, particularly in the States. There is a two-fold tendency in evidence in respect of the executive behaviour : to seek to influence or pressurize the Commissions (mainly in the States), and alternatively to undermine and sidetrack them. Citing Professor Joseph Schumpeter and Dr. C.D. Deshmukh, the author comes to the conclusion that the effective working and independence of the Commissions ultimately depends upon "the quality of the human material of politics—the people who man the party machines; are elected to serve in Parliaments, [and] rise to Cabinet office", and that the basic problem in our country is that of leader-

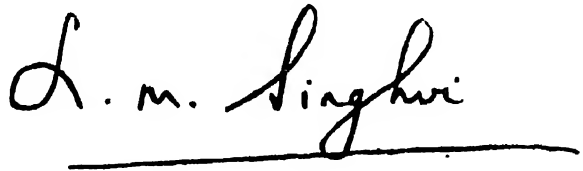
ship in politics and government. It is in this perspective that the question of the independence of the Public Service Commissions in India assumes decisive significance, because such independence is, to quote Lord Atlee, "one of the strongest bulwarks of democracy".

The Governments at the Centre and in the States combined with departmental and public sector undertakings are the biggest employers in our country. Out of these jobs only a small percentage comes within the purview of the Public Service Commissions. For example it was estimated on the basis of 1960 figures that as little as 1.9% of the total Central Government employment was processed by the Union Public Service Commission. This is because the Union Public Service Commission concerns itself only with appointments in higher services and posts, principally those in the "gazetted" service of the Government of India. Even for such appointments, the Atomic Energy Department and the Council for Scientific and Industrial Research have been authorized to recruit and select candidates directly. The Railways and the Posts and Telegraphs Department have evolved their own machinery and procedure for recruitment to class III and class IV. Moreover, in the field of public enterprises and departmental undertakings, there is conspicuous absence of adequate machinery to ensure the observance of merit principle through an impersonal and competitive recruitment procedure. Indeed, complaints are rife that there is a strong element of ministerial and other patronage and preferment in the public enterprises which in turn are shielded and sheltered from fuller accountability by claims of autonomy. It is to be hoped that adequate machinery and procedures would be devised and brought into operation before long to regulate what is essentially "Public employment under the State" in this steadily growing sector of our economy. Such regulating machinery and procedures should, in my opinion, be under a scheme of broad supervision of the Union Public Service Commission.

If the Public Service Commissions are to discharge their constitutional duties and obligations in a full measure and if the complexity of modern life and the exigencies of the governmental operation in the democratic, welfare state are to be satisfactorily reconciled with the values of independence and integrity in the "services" and in selection procedures, the Public Service Commissions should not only be armed with enhanced powers and increased functions, but they should also equip themselves with modern testing methods and should evolve more and more dependable techniques of measuring the skills and qualities of candidates in a functional perspective. There should be more modern and research-oriented professional secretariats to assist the Commissions in examining different areas in

the field of personnel selection and procedures. Indeed the Public Service Commissions could promote a strong professional ethos in the Civil Service organisation of the country and could act as the mentors and the custodians of the public services in the country.

Dr. •Bhalerao highlights certain unexplored areas and pinpoints many problems, and it is my hope that this study by him would serve to stimulate wider scholarly interest in the role and functions of public services and Public Service Commissions in the parliamentary form of government ordained by our Constitution.

A handwritten signature in black ink, reading "L. M. Singhvi". The signature is written in a cursive style with a large initial 'L' and a long horizontal line extending from the end of the name.

(L.M. Singhvi)

P R E F A C E

• The study of Public Service Commissions in India contained in the following pages was originally and substantially my doctorate thesis in Political Science submitted to the University of Baroda in 1963, revised and re-touched for purposes of publication. It is concerned both with the Union Public Service Commission and some of the State Public Service Commissions. The Commissions excluded from this study are those of the States of Assam, Jammu and Kashmir, Kerala, Punjab and West Bengal. The Public Service Commission of the Gujarat, State which was established recently is also excluded from this enquiry. However, it does not appear to me that the exclusion of these State Commissions from the present survey would detract from the validity of the general conclusions arrived at or of the suggestions offered here.

In studying the practices followed by the Indian Public Service Commissions, I have also discussed the principles and practices followed by the Civil Service Commissions of Britain, U.S.A., Canada and Australia not for the purpose of comparison but in order to gain a relativistic view of the practices followed in India and also to suggest possible lines of reform. It is naive to say that the institutions and practices of one country can be transplanted lock, stock and barrel, to other countries without making changes in the "sources of variation". The factors of tradition and temperament and the socio-cultural, political and economic variables are too important to be neglected in studying the institutions of a country. However, it may be said that a developing country can benefit a great deal from the experiments and experience of advanced countries.

The material for this survey was collected from three main sources. Firstly, I visited some Public Service Commissions and collected information about their practices and problems through discussions with their Chairmen, Members and Secretaries, and Civil Servants. Secondly, I sent a questionnaire to various serving and retired members of the Commissions. The answers to this questionnaire by some of the retired Chairmen and Members of the Commissions together with some comments by Dr. Paul H. Appleby and Dr. L. M. Singhvi are reproduced, with their kind permission, in Appendix 'D'. The third was the documentary source and consisted of the background material of the constitutional provisions relating to Public Service Commissions contained in the Acts of 1919 and 1935 and the present Constitution of India, the various rules and regulations

framed by the Union and State Governments in regard to their respective Commissions, the annual reports of the Commissions and the memoranda of the executive governments thereon.

The study owes a great deal of encouragement and guidance from Dr. Jyotindra M. Mehta, till recently Vice-Chancellor, M.S. University of Baroda, and formerly Chairman, Saurashtra Public Service Commission and a Member of the I.A.S. (and Allied Services) Personality Test Board. I am very much thankful to him for the stimulating discussions I had with him on various problems of my study and for giving me an access to his insight. Much of my interest in this subject and the various lines of enquiries followed here owe much to the keen interest he took at every stage of my study. I am grateful to Shri D.V. Rege, I.C.S. (Retd.), formerly Adviser to Orissia and Saurashtra State Governments and Chairman, M.P. Public Service Commission, for encouraging me in my studies and giving me the benefit of his varied and rich experience in the Civil Service. I am particularly thankful to him for going through some of the chapters of the thesis and making many valuable comments and suggestions. I am also very much thankful to Mr. C.J. Hayes, formerly a Civil Service Commissioner of the U K., for encouraging me in my studies. I have received very helpful encouragement from Shri N.S. Pardasani, I.A.S., of the Government of Maharashtra, who spared a good deal of his time in answering my queries and giving me various suggestions. My thanks are also due to the retired members of the various Public Service Commissions, the Vice-Chancellors of some Universities and some Members of Parliament for answering my questionnaire, and Mr. C.J. Hayes and Shri A.A.A. Fyze, formerly a Member of the Union Public Service Commission, for permitting me to reproduce their answers to my questionnaire. The Public Service Commissions and the Chief Secretaries of various State Governments have likewise helped me by sending useful material and answering my queries. While expressing my gratefulness to these various authorities and officers who have a major share in such merit as may be found in this study, I should make it clear that none but myself is responsible for the views expressed here or for the statement of facts and their interpretations.

I am also thankful to the Civil Service Commissions of Britain, U.S.A. and Canada and the Public Service Board of Australia for sending me the material on the working of their respective Commissions and answering my various queries; the Union Public Service Commission of India, the British Civil Service Commission and the Nuffield Foundation for permitting me to quote some passages from Mr. C.J. Hayes' "Report on the Public Service Commissions of the British Commonwealth Countries" which is an unpublished document of the British Civil Service Commission; and the Controller of Her

Majesty's Stationery Office, London, for permitting me to quote from the annual reports of the U.K. Civil Service Commission and the Command Paper 232, "Recruitment to the Administrative Class of the Home Civil Service and the Senior Branch of the Foreign Service".

Finally, I am grateful to Dr. A.H. Somjee, Professor of Political Science, University of Baroda, who supervised my study and encouraged me at every stage and to Dr. L.M. Singhvi, M.P. and Executive Chairman, Institute of Constitutional and Parliamentary Studies, New Delhi, for writing a foreword-comment to this study.

I dedicate this study to Professor V.K.N. Menon, Dr. Jyotindra M. Mehta and Shri D.V. Rege in the hope that they will accept it as a token of my gratitude for their kindness and encouragement.

C.N. Bhalerao

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• INTRODUCTION

The development of society has now come to depend more and more on the organisational and administrative capacity of government. Though this is merely a platitude, it needs to be emphasized in view of the pivotal importance which public administration is increasingly assuming as an instrument of social and economic progress. The various development plans in social and economic fields particularly in developing countries would have significance only in terms of what the State achieves concretely. This is largely a function of public administration. As the *United Nations Committee on Public Administration* points out, "Improvement in the public administration seems to be one of the primary means through which the adverse conditions of the under-developed countries might be overcome". The changing role of the present-day State signified by the term "Administrative State", from governance to the administration of public welfare, can be adequately performed by it only if it has sound administrative organisation, methods and procedures and competent public servants devoted to public interest. The utility of public administration depends as much on the administrative machinery and methods as on the personnel which provides the motivating force to that machinery, on its formal, organisational and procedural aspects as well as on its dynamic, functional and personnel aspects.

In the early history of civil service reforms it became clear that sound personnel administration had a determining influence on administrative operations and that although government had the primary responsibility for maintaining efficient personnel administration, some of the tasks connected with this could be usefully transferred to independent bodies called the Civil Service Commissions. Such Commissions were considered necessary for providing a check on patronage and political interference in the civil services which were all-pervasive in the early period of the development of modern Civil Service. The credit of evolving the concept and institution of Civil Service Commissions goes to the United Kingdom where a Civil Service Commission was established in 1855 following the Northcote-Trevelyan Report. In 1868, Canada set up a Civil Service Board under the Act of that year. The United States established a Civil Service Commission in 1883 under the Pendleton Act of 1883 following the assassination of President Garfield by a disappointed job-seeker. Under the impetus of civil service reform movement provided by Britain, similar Commissions were established in the British

Dominions. South Africa established her Public Service Commission in 1912, Australia in 1923, (there was a Public Service Commissioner since 1902), Northern Ireland in 1923, India in 1926, Ceylon in 1931 and New Zealand in 1946 (there was a Public Service Commissioner since 1912). Similarly there are Civil Service Commissions in Egypt, Iraq, Iran, Israel, Pakistan, Burma, Thailand and Phillipine. France does not have a Civil Service Commission, but recruitment to higher public services in France is made by the Ecole Nationale d'Administration which was established in 1945. These various Civil Service Commissions differ from one another with respect to their functions and powers. At one end there are the Civil Service Commissions of Britain and Northern Ireland which have only the function of making selection for public services (the British Civil Service Commission also conducts limited competitive examinations for promotion). At the other end are the Civil Service Commissions of Canada, Australia, New Zealand, Egypt, Israel, Ceylon, Thailand and Phillipine which, in addition to making recruitment, have controlling functions in regard to promotion, discipline, pay and other condition of service, classification, organisation and methods, and training. The United States Civil Service Commission, before the second world war, also used to perform these functions but now it makes recruitment to the federal civil service, is responsible for the administration of some Federal Civil Service Acts and provides leadership in personnel administration. Then there are the Public Service Commissions of India and Pakistan which make recruitment to the higher public services and advise their respective governments on the principles of selection, promotion, and transfer and the suitability of candidates therefor and on confirmation, disciplinary cases, appeals, memorials, re-employment of retired government servants and other service matters.

Theoretically, the purpose of a Civil or Public Service Commission is to establish an efficient and contented public service and protect it from political and personal influences. The extent to which this purpose is, however, realised varies from country to country and is contingent upon socio-cultural, political and economic conditions. Sharp, for instance, in his paper on "Bureaucracy and Politics—Egyptian Model"¹ and Shor in his paper on "The Thai Bureaucracy"² have shown that the Civil Service Commissions of these countries do not play an effective role in personnel matters although their civil service laws assign such a role to them. They relate this to the prevailing social, economic and political conditions in these countries.

1 In *Toward The Comparative Study of Public Administration*, Edited by W.J. Siffin, Indiana University Press, Bloomington, 1959.

2 In *Administrative Science Quarterly*, Vol V, No. 1, 1960.

In studying the political and administrative institutions of India, it is necessary to study them in the context of Indian society which is characterised by a lack of social homogeneity, a social order based on hierarchy and caste, communal and regional loyalties, poverty, illiteracy and economic inequality. Indian politics tends to become totalitarian; it is also dominated by economic interests, caste and regional forces, and factionalism. The political leadership which emerges out of the inter-play of these forces, with a very few exceptions, is not dynamic enough to execute the tasks of institution-building necessary for the modernisation of the country. These features of Indian society, economics and politics provide the substantive context which can enable us to understand realistically the working of governmental and administrative institutions in India.

The Public Service Commissions in India, as pointed out above, make recruitment to the higher public services and advise the respective executive governments on promotions, transfers, disciplinary cases and other service matters. The advice given by the Commissions is, with some exceptions, accepted by the executive governments. But the urge of the executive governments for patronage suppressed by the constitutional requirement to consult the Commissions finds expression in the adoption of certain techniques to bypass the Commissions or to reduce their usefulness. Some of these techniques used by the ministries and departments are to draft advertisements with a view to limiting the field of recruitment to some particular candidates, to make appointments and subsequently exclude the posts from the purview of the Commissions, to make undue delay in the offers of appointment to candidates selected by the Commissions, to make temporary appointments and subsequently to select these candidates for permanent posts, and to unduly limit the jurisdiction of the Commissions. Generally, the Commissions make protests against these attempts of the executive governments to bypass them or to reduce their usefulness, although the independence shown in this respect varies from Commission to Commission.

The work-load of the Commissions has increased a great deal during the past ten years. The number of candidates appearing in the competitive examinations and the number of service questions referred to the Commissions has progressively increased. There has been, therefore, some increase in their personnel and staff. The Union Public Service Commission had nine members including the Chairman in March 1964 and the State Commissions now usually have four to five members including the Chairman. In view of the increasing work-load of the Commissions, the Commissions feel the need to expand their existing personnel and staff.

That the various functions of the Indian Public Service Commi-

missions are important does not need to be emphasized. In order that the Commissions should carry out these functions effectively, it is necessary that the members of the Commissions should be appointed on grounds of merit and ability and should be free from caste, communal and regional bias and political influences. The present method of the appointment of the Commissions' members does not always result in this and consequently, requires examination. The utility of the Commissions lies in their independence. Some Commissions, however, do not show that degree of independence which is vital to their successful functioning. The composition of the Commissions should also be such that while giving due weightage to the representation of service element, other important elements such as the academic, scientific or technical, and judicial or legal should also be represented. The members of the Commissions also tend to be selected from a narrow social circle ; a widening of the social composition of the Commissions without making them unwieldy would be necessary for establishing democratic administration.

It is further necessary that the principles and practices followed by the Commissions should be such as would enable them to select the candidates in a more scientific way and examine various personnel matters more independently than is done at present. The interviews conducted by the Commissions are of a traditional, hit-and-miss nature and are based on insufficient job analysis and follow up studies. Similarly in promotions, the Commissions place an excessive reliance on the confidential annual reports which are generally written in a careless and subjective manner. We, therefore, examine the principles and practices followed by the Commissions in regard to recruitment, promotion, disciplinary cases including appeals and memorials and other service questions in the subsequent chapters.

The Indian public services are characterised by various dysfunctional and pathological features. The more important among these maladies are their subjection to politics and casteism, class spirit, impersonality, inflexibility, a general tendency to avoid responsibility, loss of individuality and initiative, lack of sound morale, corruption and delay. Although these defects of the Indian bureaucracy are attributable to the nature of Indian society, politics and government, they are also partly due to inferior personnel practices. The raising of personnel standards and practices can, to a great extent, increase the effectiveness of administrative operations. A study of the personnel practices and standards followed in the government in India shows that they are far from satisfactory. Inadequate salaries and promotional opportunities, lack of communication and the existence of a wide gap in ability between the higher and the lower levels of administration, inadequate incentives for improving performance, lack of participation of the employees in deciding the conditions of service which affect

them and a lack of training facilities for developing the potentialities of subordinate employees are some of the features of the personnel practices followed in India. Personnel management has not become a dynamic movement in India as it is in countries like the United States. The result is the general ineffectiveness of public administration. The general failure of Panchayati Raj and Community Development Programme and the like can be partly attributed to the neglect in introducing rational personnel practices.

A major function of Public Service Commissions which is significant from the point of view of development is to act as dynamic centres within the governmental matrix for promoting and strengthening professional ethics and standards of competence of the administration. Such a role by Public Service Commissions has not been given much thought to by Government and the Commissions. Though the improvement in administration is dependent upon socio-cultural, political and economic development, the governmental institutions like the Public Service Commissions and the administration also play their role in such development. This would require the re-construction of a new image of the Commissions with respect to their role in national development, more exertions and adoption of more imaginative and scientific practices by the Commissions and cooperation by the political and executive leadership.

The Civil Service Commissions of the U.S., Canada, Australia and New Zealand have functions which are far more comprehensive than those of the Indian Commissions. The purpose behind giving more comprehensive functions to the Commissions of these countries was to create a check on the patronage of the political executive and help in establishing and implementing proper personnel standards and practices. In India, the functions of the Commissions excepting that of recruitment are of a negative character in the sense that they deal only with the cases which are referred to them. The ministries and departments, for instance, may suppress serious disciplinary cases which cannot be noticed by the Commissions. The functions and powers of the Indian Commissions, therefore, call for an examination, in the appropriate context. The thesis of this study is that neither the present functions of the Commissions nor their general calibre and competence enable them to contribute to the improvement of personnel standards and practices and the creation of contented public services and act as centres for improving standards of performance and professional ethics of the administration. This can be done by improving the calibre of the Commissions and extending their powers and functions. As is obvious, a mere extension of the powers of the Commissions would not help them to improve the government personnel standards and practices without improvements in the prevailing socio-economic conditions and in the political ethics and standards

(culture) followed by political parties and their leaders. The problem of institution-building for the establishment of a democratic and modern state in a traditional society is indeed complex and of great magnitude. The point to be emphasized here is that modernisation of public administration and government to be effective must go hand in hand with modernisation in other spheres.

CHAPTER I

A HISTORICAL SURVEY

(A) RECRUITMENT AND CONTROL OF CIVIL SERVICES IN INDIA BEFORE THE ESTABLISHMENT OF PUBLIC SERVICE COMMISSIONS

Recruitment and Control of All-India and Central Services :—

Upto the end of the nineteenth century, there existed in India only the Indian Civil Service recruitment to which was made by the British Civil Service Commission. But towards the close of the nineteenth century the administrative responsibilities of the British Government in India had become enormous and covered social, economic and educational activities. To discharge these diverse responsibilities it became necessary to constitute a number of superior services in addition to the Indian Civil Service. The first service to be formed separately to relieve the Indian Civil Service of its direct responsibility to maintain law and order was the Police. Subsequently a number of other all-India services were constituted. The all-India services which continued upto the end of the British Rule in India were : (1) the Indian Civil Service, (2) the Indian Police Service, (3) the Indian Forest Service, (4) the Indian Educational Service, (5) the Indian Agricultural Service, (6) the Indian Service of Engineering, (7) Indian Veterinary Service, and (8) Indian Medical Service. These services were intended to provide administrative and technical personnel at the higher levels both in the Central and Provincial Governments. Some Central Services were also constituted such as the Imperial Customs, Indian Audit and Accounts, Indian Political, Income-tax, Superior Staff of the Geological Survey of India Department and the Superior Telegraph Branch of the Post and Telegraph Department. The Provinces possessed their corresponding Provincial Services and Provincial Subordinate Services.

According to the rules made by the Secretary of State in Council in 1922, recruitment to the Indian Civil Service was made by competitive examinations held in England and India. The first I.C.S. examination conducted in India by the Civil Service Commission of England in 1922 was in response to the pressure which had developed for the Indianization of the services as a part of the larger demand for self-government. Candidates for the I.C.S. examination had to be between 21 to 24 years of age. They had to offer 5 compulsory papers of 100 marks each and select subjects upto a total of 1000 marks from some sixty optional subjects grouped into (a) History, (b) Economics, Politics, Law and Philosophy, (c) Mathematics and Science and (d) English Literature, Languages and Civilizations. The subjects

under the latter two groups carried more marks than the subjects coming under the former two groups. Finally there was a *viva voce* test carrying a total of 300 marks.¹ The final order of merit of the candidates was then determined on the basis of the total number of marks obtained by them. As before, the candidates who were selected at the open competition held in London, were required to remain in the U.K. on probation for one or two years; those selected at the competitive examination held in India had to proceed to the United Kingdom and remain there on two years probation, which was reduced in 1937 to one year, mainly to acquire polish and finish. The former had at the end of their probation to undergo a Final Examination while the latter had to undergo two examinations—the Intermediate and the Final. The candidates after having passed these examinations were then sent to India.

Recruitment to the Indian Police Service upto 1937 was made by the U.K. Civil Service Commission on the same lines as for the I.C.S. but with emphasis on practical tests. Recruitment to the remaining all-India and the Central Services was made partly by the Secretary of State with the assistance of a Selection Board constituted in England and partly by the Government of India with the assistance of a similar Selection Board. In 1926 when the Central Public Service Commission was established in India, recruitment to the all-India and the Central Services excepting the I.C.S. and the I.P.S. (the examination for the I.C.S. was held in India on behalf of the U.K. Civil Service Commission) began to be made by the Public Service Commission.

All first appointments to all-India Services other than appointments made by promotion to such service of officers belonging to some other service were made by the Secretary of State in Council. The Central Government had full control over promotions, transfers and disciplinary matters of the officers belonging to the all-India and Central Services except that in the case of removal or dismissal of the officers belonging to the all-India Services, the Central Government had to obtain the approval of the Secretary of State for imposing these severe disciplinary punishments. Similarly, the Provincial Governments had authority to promote and transfer officers of an all-India Service serving with them to any post borne on the cadre of such service. The Provincial Governments were authorised to exercise the disciplinary powers of censure, reduction to a lower post, withholding promotion and suspension from office over any officer of the all-India Service. The only exception to this was that if the Provincial Government wanted to reduce in rank any head of the department appointed

1 The Indian Civil Service Regulations, 1935, *The India Office List*, H.M.S.O., London, 1935. The '*viva voce*' test was introduced only after the first world war.

with the approval of the Governor-General in Council, they had to obtain his sanction. Dismissal and removal of the officers of the all-India Services serving with the Provincial Governments could only be made by the Governor-General in Council subject to the approval of the Secretary of State in Council. In cases of dismissal, removal or reduction in rank whether made by the Central or Provincial Governments, a defined procedure had to be followed. This procedure was laid down in the following regulation : "In all cases in which dismissal, removal or reduction of any officer is ordered, the order shall, except when it is based on facts or conclusions established at a judicial trial, or when the officer concerned had absconded with the accusation hanging over him, be proceeded by a properly recorded departmental enquiry. At such an enquiry a definite charge in writing shall be framed in respect of each offence and explained to the accused, the evidence in support of it and any evidence which he may adduce in his defence shall be recorded in his presence and his defence shall be taken down in writing. Each of the charges framed shall be discussed and a finding shall be recorded on each charge."

An officer of any all-India Service had the right to appeal to the Governor-General in Council against an order passed by the Provincial Government. If an appeal related to reduction in rank, withholding of promotion, dismissal or removal and if it was rejected by the Governor-General in Council, an officer of the all-India Service had the right to appeal to the Secretary of State in Council.

The British Government in India recognised the importance of establishing an efficient civil service and giving the civil servants adequate protection against the arbitrary personnel actions of Government. The procedure followed in reducing in rank, removing or dismissing a civil servant was designed to direct the Central and Provincial Governments to ensure that the charges on which serious disciplinary penalties were imposed on the civil servants were clearly established. The right granted to the civil servants to appeal to the Governor-General in Council against the orders of the Governor and to the Secretary of State in Council against the orders of the Governor-General in Council further provided a safeguard against unjustified imposition of major disciplinary penalties.

Recruitment and Control in the Provinces :—

The Provincial and Subordinate Services came into being on the recommendations of the Public Service Commission in 1886-87. The Commission had also tentatively recommended the introduction of competitive examinations for recruitment to the executive branches of the Provincial Civil Service. Accordingly the system was tried in some provinces, but after a short experience it was abandoned. In 1915 the Punjab was the only province in which there was some form of competitive examination for selection for the Provincial Services.

Recruitment to the Provincial and Subordinate Services upto 1924 was made partly by promotion and partly by nomination. Under the latter method, the candidates were nominated by the Governor, the Executive Councillors, Secretaries or Heads of Departments. In the provinces there were no selection committees for this purpose. Thus the Islington Commission was led to recommend in 1915 that "where vacancies are to be filled by nomination in any Department in India, a Selection Committee be formed, containing an official majority to advise the Government."¹ The Commission further recommended that the Selection Committees should give publicity to the vacancies by advertisements and "should interview all likely candidates and place them in order of merit with reference to their educational career and to the impression which they have created at the interview."² Although these recommendations were made in 1915, it was not until 1924 that Selection Committees were gradually set up in the provinces. We shall describe here briefly the constitution, functions and procedure of the Staff Selection Boards for the Presidencies of Madras and Bombay.

The Staff Selection Board for the Madras Presidency³ was established on 1st April 1924. The Board consisted of five members with the Chief Secretary as its Chairman and the Director of Public Instructions as one of the members. Two members of the Board were non-officials nominated by the Governor. There was also a Secretary to the Board. The functions entrusted to the Board were—(1) to select suitable and qualified candidates for executive posts in all departments (other than technical) where direct recruitment was made and to furnish lists of the selected candidates to the appointing authorities, and (2) to prepare lists of candidates qualified and suitable for appointment to clerical posts in the offices in Madras city. The Heads of the Departments then appointed candidates from this list to vacancies as they arose. The general procedure of the Board was first to invite applications by notifications in the *Fort St. George Gazette* and in the daily news-papers from qualified candidates, supported by evidence of age, qualifications, general health, etc. In some cases, on receipt of applications, a qualifying examination was held. On the results of the examination and after interviewing candidates, the Board published a list of candidates selected by them. Orders were issued by the Government that candidates should be employed only from this list. The Government of Madras also utilized the services of the Board in certain cases of direct recruitment

1 Islington Commission Report, H.M.S.O., London, 1917; Vol. I, p. 31.

2 *Ibid.*, p. 31.

3 From the Memorandum submitted by the Government of Madras to the Indian Statutory Commission, Vol. VI, 1930, pp. 618-624.

to gazetted posts and for nomination of candidates for competitive examinations relating to all-India Services. The conduct of Departmental Examinations was later transferred from the Commissioner for Government Examinations and the Board of Examiners to the Staff Selection Board.

In the Bombay Presidency,¹ selections were made by the *ad hoc* Selection Boards constituted for making appointments to gazetted and clerical posts in the different departments. The Board consisted of the Chief Secretary as its Chairman, the Head of the Department concerned, one other official expert belonging to that department and two or three non-officials nominated by the Governor. After advertising the post and on receiving applications from candidates, the Secretary of the Department in which vacancies were to be filled, scrutinized all applications; and after weeding out obviously unsuitable candidates, sent the applications of suitable candidates to the Board. The Selection Board then interviewed the candidates and sent the list of selected candidates to the appointing authorities. Selections for gazetted posts had to be approved by the Governor.

The Selection Board for the Bengal Presidency was composed entirely of high Government officials. It had a member of the Board of Revenue as its Chairman and the Commissioner of the Presidency Division, the Legal Remembrancer, the Director of Public Instruction and one other official as its members. The Selection Board made recruitment by direct selection as well as by competitive examinations and advised the Government on nomination of candidates for the competitive examinations for all-India Services. With variations in personnel, similar Selection Boards were set up in the other provinces.

The provincial Governments had the responsibility for making promotion and transfer in the Provincial Services and Provincial Subordinate Services. They could also impose the disciplinary punishments of censure, withholding of promotion, reduction in rank, suspension, removal and dismissal on any officer holding a post in the Provincial Service or Provincial Subordinate Service. The procedure followed in cases of dismissal, removal or reduction was the same as in the case of the officers belonging to the all-India Services. In cases of serious penalties, the officers belonging to the Provincial Services had the right of appeal to Government.

(B) PUBLIC SERVICE COMMISSIONS

The Need for Establishing Public Service Commissions :—

With the introduction of the Reforms of 1919, it became essen-

1 From the evidence given by Mr. C.W.A. Turner, I.C.S., Chief Secretary to the Government of Bombay before the India Statutory Commission in *Extracts from Oral Evidence*, H.M.S.O., London, 1930, Vol. XV, pp. 19-20.

tial to protect the services from political influences and to entrust recruitment and control of civil service to an independent body in India as was the practice in the Dominions. The system of responsible government, as was pointed out by the Joint Committee on *Indian Constitutional Reforms, required a competent and independent Civil Service*, capable of giving advice to successive ministries and secure in its position during good behaviour. Continuing, "the Joint Committee said that "since in India the whole machinery of Government depends so greatly upon the efficiency and contentment of the Public Services as a whole, especially during a period of transition, it is a matter in which no room should be left for doubt."¹ Efficiency and contentment in the public services depend upon two conditions : (1) recruitment of able persons by an expert body free from political interference; and (2) the existence of fair and just conditions regarding promotions, transfers, demotions, suspensions, removals and dismissals of civil servants. A civil servant who feels that injustice has been done to him regarding any of the above matter would remain discontented and consequently inefficient. It is, therefore, essential that not only promotions, transfers and disciplinary cases should be justly dealt with but he must also have a right to make an appeal to Government and that such an appeal should be objectively considered by an independent body. In England, the Dominions and U.S.A., Civil Service Commissions had been established, charged with the functions of recruitment and control of the public services. It was the experience gained in England and the Dominions which led the Government of India to suggest, for the first time, the establishment of an analogous Commission for India.—In their first Dispatch on Indian Constitutional Reforms dated 5th March 1919, they wrote : "In most of the Dominions where responsible government has been established, the need has been felt of protecting the public service from political influence by the establishment of some permanent office peculiarly charged with the regulation of service matters. We are not prepared at present to develop the case fully for the establishment in India of a Public Service Commission, but we feel that the prospect that the services may come under political control affords strong grounds for instituting such a body". The demand for establishing a Public Service Commission in India was basically the result of the demand for the Indianisation of the services as part of the larger demand for self-government and the need for protecting the civil service from political interference likely to result from the grant of some measure of responsibility in the hands of Indian Ministers. It was thought that with the establishment of a Public Service Commission in India, the Indians would be recruited in India only which would facilitate the increasing entry of the Indians in the

1 *Report, H.M.S.O., London, 1934, p. 173.*

public services and also provide them protection from political interference. In response to this demand and the proposal of the Government of India, the Reforms of 1919 contemplated the establishment of a Public Service Commission in India. Section (96c) of the Act of 1919 prescribed that "(1) There shall be established in India a public service commission, consisting of not more than five members, of whom one shall be chairman appointed by the Secretary of State in Council. Each member shall hold office for five years, and may be reappointed. No member shall be removed before the expiry of his term of office, except by order of the Secretary of State in Council..... (2) The Public Service Commission shall discharge, in regard to recruitment and control of the Public Services in India, such functions as may be assigned thereto by rules made by the Secretary of State in Council". The framers of the Act of 1919 contemplated a single Public Service Commission for India. This was perhaps natural to the system of centralized control that still prevailed in India.

The case for the establishment of Public Service Commissions in India was further strongly put forward by the Royal Commission on the Superior Civil Services in India (Lee Commission) which reported in 1923.¹ According to the conception of the role of Public Service Commissions held by the Lee Commission, it recommended two categories of functions for the Public Service Commission ; the first function was in regard to the recruitment of personnel for the public services and the establishment and maintenance of proper standards of qualification for admission to them ; and secondly, it was to have quasi-judicial functions connected with the disciplinary control and protection of the services.

A noteworthy feature of the Lee Commission's recommendations on the subject of Public Service Commission was that they avoided any suggestion for the establishment of similar Commissions in the provinces. While considering that any intrusion of the Public Service Commission in the provincial field would be a violation of the principle of provincial autonomy, the Lee Commission held that the knowledge and experience of the (Central) Public Service Commission should be placed at the disposal of Provincial Governments.

(Central) Public Service Commission : (1926-1937) :—

In spite of the provisions of Section 96c of the Act of 1919 and the strong recommendation made by the Lee Commission in 1923 for the establishment of a Public Service Commission in India, it was not until 1926 that the Public Service Commission was set up in India. The first Commission established in 1926 consisted of five members appoin-

¹ *Report, Royal Commission on the Superior Civil Services in India, H.M.S.O., London, 1924, para. 24.*

ted by the Secretary of State in Council. In 1926 the Commission had three Europeans and two Indians as members. In 1928 there were two Europeans—a member of the Home Civil Service as Chairman¹ and a member of the Indian Civil Service, and three Indians—a member of a Provincial Civil Service, a former member of the Council of State and an ex-Vice-Chancellor of an Indian University. The Commission had a Secretary who was a member of the Indian Civil Service and a staff of about a dozen persons.

The Public Service Commission was given the two broad categories of functions as recommended by the Lee Commission, but with considerable limitations. The Commission did not have the power to decide the method of recruitment to particular services, to determine in what subjects candidates shall be examined and their qualifications and the Commission did not have control over the organisation of examinations.² These limitations on the functions and powers of the Public Service Commission were regarded as being inconsistent with the original purpose of the Public Service Commission. Thus Sir Ross Barker, the Chairman of the Commission in his Memorandum submitted to the Indian Statutory Commission considered "the powers of the Commission to be defective" and said that the "original conception of a Public Service Commission was progressively whittled away till little of the original idea survived."³

The Public service Commission made recruitment to the Central Services⁴ both by competitive examination and by direct selections. The Commission also held competitive examination for the I.C.S. under the special rules made by the Governor-General.⁵ Recruitment to the all-India Services was made by the Secretary of State in Council but on the recommendation of the Lee Commission, recruitment to the Buildings and Roads Branch of the Service of Engineers, the Educational Service, the Agricultural Service and the Veterinary Service ceased in 1924 and was transferred later to the Public Service

1 Sir Ross Barker was the first Chairman who continued as Chairman till 1932. Except his successor Sir David Petric who belonged to the Indian Police, all later Chairmen have been members of the I.C.S. (Sir Eyre Gordon, Sir F.W. Robertson, Shri H.K. Kriplani, Shri R.N. Banerjee and Shri V.S. Hejmadi).

2 *Vide* para. 15 of the Memorandum by Sir W.R. Barker to the Indian Statutory Commission in *Extracts From Oral Evidence*, Vol. XV, *op. cit.*, p. 192.

3 *Ibid.*, p. 191.

4 Among the more important of these services were the Central Secretariat Service, Railway Service, Indian Posts and Telegraph Service and the Imperial Customs Service.

5 See the rules for such examinations for recruitments to the I.C.S. in *The India Office List* for 1935, *op. cit.*, p. 299-302.

Commission. For appointment to the listed posts in the Indian Civil Service, the Provincial Governments consulted the Public Service Commission. The Commission further held competitive examinations for the selection of Deputy Collectors and Deputy Superintendents of Police in the United Provinces. The Commission had also some advisory functions regarding discipline, promotion and general service matters.

The Federal Public Service Commission (1937-1950):—

The Government of India Act 1935, extended and defined more precisely the functions and powers of the Federal Public Service Commission and vested the power to appoint the members of the Commission in the Governor-General in Council in his discretion. At least one-half of the members of the Commission were required to be persons with ten years' service under the Crown in India. From 1937 when part of the Act came into force, the Federal Public Service Commission became responsible for recruitment to all federal public services—the Indian Civil Service, Indian Police, Indian Service of Engineers, Indian Educational Service, Indian Medical Service, Indian Agricultural Service and Indian Veterinary Service and the Central Services Class I and II, though the Secretary of State still continued to make part of the recruitment to the Indian Civil, Police and Medical Services with the assistance of the Civil Service Commission in England. The Commission also advised the Central Government on the methods of recruitment to all civil posts; on the principles of appointments, promotions and transfers and the suitability of candidates for such appointments, promotions and transfers; on disciplinary matters including memorials to petitions; on claims for the costs incurred by civil servants in defending legal proceedings instituted against them in respect of their official acts; and on claims for injury pensions and on any matter referred to it by the Governor-General. Among other matters which were referred to the Commission for its advice were cases of domicile, compensation after abolition of post, seniority and extension of service beyond retiring age. After the war, the Commission became more closely concerned with promotions and normally a member of the Commission presided over Departmental Promotion Committees. Under Section 266 (3) of the Act, the Governor-General could exclude in his discretion posts, services and matters in connection with the affairs of the federation from the purview of the Commission. Under this power, the Governor-General excluded a large number of posts, services and matters from the Commission's purview.¹

¹ See the Home Department, (Govt. of India) *Notification* No. F 322/1/35-Ests., dated the 1st April, 1937.

During the second world war normal recruitment to the all-India and Central Services was kept in abeyance. In 1945 when recruitment to these Services was resumed, the work of the Commission as compared with its work in 1938 increased from six-fold to ten-fold. As a result of increase in work, temporary members were added to the Commission from time to time and in 1947-48, the strength of the Commission rose to eight Members in addition to the Chairman. Though there was increase in the work of the Commission, the secretariat and office staff of the Commission remained inadequate.

The Union Public Service Commission (1950—) :—

With the inauguration of the new Constitution of India in 1950, the Federal Public Service Commission came to be known as the Union Public Service Commission. Under the new Constitution, the Chairman and Members of the Union Public Service Commission are appointed by the President (in reality by the Union Cabinet) for a period of 6 years or upto the age of 65 years, whichever is earlier, unless suspended or removed earlier by the President. For removing a member of the Commission on the ground of misbehaviour, the President has to refer the case to the Supreme Court and can remove him only with its concurrence. As nearly as may be one-half of the members of the Commission are required to have at least ten years' experience of service either under the Government of India or the Government of a State. The Chairman of the Union Public Service Commission on ceasing to hold office is ineligible for any other employment under the Union or State Government. The Members of the Commission are eligible only for Chairmanship of the Union Commission or Chairmanship of the State Commission.

The Union Public Service Commission has the same functions as the Federal Public Service Commission had ; it conducts examinations for appointments to the Indian Administrative and Allied Services and the Central Class I and II Services and advises the Union Government on various service questions. The Commission can also be consulted on any matter referred to it by the President. The President has the authority to exclude posts, services and matters from the purview of the Commission. But all such regulations have to be laid by him before each House of Parliament for at least fourteen days as soon as the regulations are made, which may amend or repeal these regulations.

The work-load of the Commission has increased a great deal during the last ten years. The following figures show the progressive increase in the volume of the Commission's work in the five years 1954-58 :—

Year	No. of Examinations held ¹	Recruitment by Examination			Recruitment by interview		Service Matters No. of officers involved in promotions, temporary appointments, disciplinary, cases, appeals, extension of service, domicile cases, etc.
		No. of posts	No. of candidates	No. of candidates interviewed	No. of applications received	No. of candidates interviewed	
1959—60	21	1,559	67,084	1,275	2,306	31,067	14,176
1960—61	21	1,670	30,046	1,593	2,045	36,833	15,132
1961—62	18	2,672	35,356	1,621	2,440	36,270	15,339
1962—63	22	4,705	50,993	1,739	4,870	57,129	18,745
1963—64	19	4,074	31,870	1,819	4,759	54,270	21,729

Source : *Annual Report, (U.P.S.C., 1963-64).*

Provincial Public Service Commissions :

The Lee Commission had recommended in 1923 the setting up of a Central Public Service Commission in India, but it did not give much thought to the need for establishing similar Commissions in the Provinces, although it was in the Provinces where the ministerial interference in the services was likely to be more than at the Centre. The Lee Commission remained content with observing that although the knowledge and experience of the Central Commission may be placed at the disposal of the Provincial Governments, any attempt to interfere with the Provincial Civil Services would be inconsistent with the principle of Provincial Autonomy. It was left to the discretion of the Provincial Governments to make recruitment and exercise control over their services in any way they thought proper. As a result of this discretionary power left to the Provincial Governments, the Governments of Madras and Punjab proposed to set up their Public Service Commissions. The Madras Service Commission came into being under an Act of the Madras Legislature in 1929, but in the Punjab the establishment of the Commission was delayed for lack of sufficient finances.

When the Madras Service Commission Bill was sent to the Central Public Service Commission for its advice, there was a conflict of opinion among the members of the Commission regarding the constitutional position and functions of the proposed Madras Service Commission. Sir W. R. Barker who was the then Chairman of the Central Commission and other members (excluding Mr. A. H. Ley who submitted a note of dissent) argued that according to Section 96-B of the Act of 1919, only one Public Service Commission (Central) was to discharge functions in regard to the recruitment and control of Public Services in India. "The Section represented an integral part of the scheme of constitutional reforms", they pointed out, and argued that the establishment of local Public Service Commissions was outside the contemplation of Parliament and the Government of India. Sir W. R. Barker and other members of the Commission, while "disclaiming any intention to intrude the Public Service Commission into the provincial field", further pointed out that in course of time the Central Public Service Commission should become "the recognised expert authority in India on all service matters". They, therefore suggested that though the principle of Provincial Autonomy may necessitate the setting up of local Public Service Commissions, they should be required to consult the Central Public Service Commission before advising the Local Government on (1) the method of recruitment, (2) the qualifications of candidates and (3) the syllabus and standard of the written examinations¹. As

1 *Vide* Appendix 'A' to the Memorandum submitted by Sir W.R. Barker to the Indian Statutory Commission, Vol., XV, *op. cit.*

against this view, Mr. A. H. Ley in his note of dissent, was of the view that the establishment of local Public Service Commissions was in no way inconsistent with what was contemplated by Parliament. "There is nothing in my view", he wrote, "which renders the establishment of Local Commissions inconsistent with the Act, and inasmuch as there are, in such a vast country as India with such varying conditions in the different provinces, obvious practical difficulties in the exercise of functions of recruitment for the provincial services by a central body, I am of opinion that the establishment of Local Commission is in fact a natural and desirable development."¹ He further pointed out that although there may be some liaison between the Local Commissions and Central Commission, it was neither practicable nor desirable to make obligatory for the Local Commissions to consult the Central Commission in regard to the method of recruitment and the syllabus and standard of examinations.

The view expressed by Mr. A. H. Ley was supported by the Simon Commission, the White Paper Proposals and the Joint Committee on Indian Constitutional Reforms. "The evidence we have had on the question", wrote the Simon Commission, "is almost unanimous in recommending the setting up of Public Service Commissions in the Provinces. All the provincial governments recommend their establishment and the Provincial Committees take the same view."² The White Paper also proposed the establishment of Public Service Commission for each Province.³ Similarly, the Joint Committee on Indian Constitutional Reforms thought it essential that "each Provincial Government should be able to avail itself of the advice of a Public Service Commission."⁴ The Simon Commission, the White Paper Proposals and the Joint Committee further recommended that in some cases, two or more Provinces should have a Joint Public Service Commission or alternatively ~~the~~ a Province should make use of the services of the Federal Public Service Commission. Two fundamental considerations governed the establishment of Public Service Commissions in the Provinces. One was to secure protection to the Provincial Services from ministerial interference; and the other was the principle of Provincial Autonomy.

As stated earlier, Madras was the only Province which established a Public Service Commission before 1937. The Madras Commission consisted of three members (including the Chairman) appointed and removable by the Governor. They held office upto the age of 60 years

1 *Ibid.*

2 *Report of the Simon Commission*, Vol. II, H.M.S.O., London, 1930. p. 294.

3 *White paper*, Proposal 195.

4 *Report*, H.M.S.O., London, 1934, Vol. I, Part I, para. 314.

and were not to hold, during or after service on the Madras Commission, any other office under the Crown in India except on the Central Public Service Commission. The Madras Commission advised the Local Government on any question which the Local Government referred to it in connection with the recruitment to any Provincial or Subordinate Service or any special post; in case of recruitment by competitive examination, it advised the Local Government in regard to the regulations governing the examinations, conducted them and reported the results to Government; in case of recruitment by selection, it advised the Local Government in regard to the regulations for selection, conducted such selections with the assistance of officers deputed by Government to be present at interviews and reported the results; in case of recruitment by promotion from the subordinate service, the Commission had to consider the claims of candidates nominated by the head of the department concerned and to advise the Local Government in respect of each candidate. The Commission also advised the Local Government in regard to the regulations for examinations for confirmation in or promotion in or to an all-India, Provincial or Subordinate Service or Special Post, conducted these examinations and published the results. Finally the Commission advised the Local Government before the latter passed any original order withholding promotion, or of reduction, removal or dismissal and on appeals made to Government against any order of censure, withholding of promotion, reduction, suspension, removal or dismissal.¹ Thus the functions performed by the Madras Public Service Commission were wider in scope than those of the Central Public Service Commission.

The Government of India Act, 1935, provided that there be a Public Service Commission for each province and that the Public Service Commission of a province, by an agreement of the provinces concerned may serve the needs of those provinces. When the Act came into force in 1937, the following Provincial Public Service Commissions were established :

- (1) the Assam Public Service Commission (Shillong),
- (2) the Bengal Public Service Commission (Calcutta),
- (3) the Bombay and Sind Public Service Commission (Bombay),
- (4) the Central Provinces & Berar, Bihar and Orissa Public Service Commission (Ranchi),
- (5) the Madras Public Service Commission (Madras),

1. From Appendix 'C' of the *Memorandum* submitted by the Government of Madras to the Indian Statutory Commission, Vol. VI. H.M.S.O. London, 1930.

- (6) the Punjab and North-West Frontier Province Public Service Commission (Lahore), and
- (7) the United Provinces Public Service Commission (Allahabad).

Each Provincial Public Service Commission had 2 to 4 members including the Chairman. The members of the Provincial Public Service Commissions were appointed and removable by the Governor in his discretion. The Governor was empowered to frame rules regarding the conditions of service of the members and also exclude posts, services and matters from the Commission's purview. Following the Partition of India in 1947, the Public Service Commissions of Bombay and Sind, Bengal, and Punjab and North West Frontier Area were converted into Bombay, West Bengal and Punjab Public Service Commissions, respectively. With the integration of the former States during 1947-48, the following integrated states established their respective Public Service Commissions during 1948-50—Hyderabad, Madhya Bharat, Mysore, Pepsu, Rajasthan, Saurashtra and Travancore-Cochin. In 1948, the Central Provinces and Berar seceded from the Joint Public Service Commission for C.P. and Berar, Bihar and Orissa, and established its Commission at Nagpur. Bihar and Orissa continued to have a Joint Public Service Commission at Ranchi till March 1949 after which they formed their separate Public Service Commission at Ranchi and Cuttack, respectively. In 1953, with the creation of the new Andhra State, a Public Service Commission for Andhra came into being. After the Re-organization of States in 1957, and the bifurcation of the former Bombay State into the States of Maharashtra and Gujarat in 1960 there are now the following State Public Service Commissions :—(1) Andhra-Hyderabad, (2) Assam-Shillong, (3) Bihar-Patna, (4) Gujarat—Ahmedabad, (5) Jammu & Kashmir—Srinagar, (6) Kerala—Trivandrum, (7) Madhya Pradesh—Indore, (8) Madras—Madras, (9) Maharashtra—Bombay, (10) Mysore—Bangalore, (11) Orissa—Cuttack, (12) Punjab—Chandigarh, (13) Rajasthan—Ajmer, (14) Uttar Pradesh—Allahabad, and (15) West Bengal—Calcutta.

The State Public Service Commissions have the same functions regarding the State Services as the Union Public Service Commission has regarding the all-India and Central Services. The members of the State Commissions are appointed by the Governor but their dismissal and suspension rest with the President in accordance with the provisions of Art. 317 (1) of the Constitution of India. They hold office for a term of six years or until they attain the age of sixty years whichever is earlier and are ineligible for any appointment under the Union or State Government except to the chairmanship for the same or another State Commission and to the membership or chairmanship of the Union Commission. The Governor can make rules for excluding certain matters or posts from the purview of the Commission but such rules have to be laid before the Legislative Assembly.

or each House of the State Legislature for at least fourteen days. Art. 320 of the Constitution empowers the State Legislature to provide for additional functions for the Public Service Commission "as respects the Services of any Local authority or other body corporate constituted by Law or of any Public Institution".

Main Constitutional Changes :—

From a constitutional point of view, the provisions regarding Public Service Commissions in the new Constitution contain some improvements over similar provisions under the Government of India Act of 1935. In the first place, under the Act of 1935 the tenure of the members of the Commissions and the method of the termination of their services were left to be determined by regulations to be framed by the respective executive governments. Members were also eligible for being given extensions in their posts and the members other than the chairman were eligible for re-appointment in government service after retirement with the consent of the Governor-General or Governor as the case may be. The present Constitution prescribes a definite tenure, a method of dismissal and suspension and restrictions on re-employment of the members of the Commissions after retirement. Secondly, under the Act of 1935 the Governor-General in Council or the Governor could exclude posts and services from the purview of the Commission "in his discretion". The present Constitution places some restrictions on this power of the President and the Governor. It is made obligatory on the executive governments to place regulations made for this purpose before the respective legislatures which may repeal or amend the regulations. The purpose behind this provision is to limit the power of the executive in placing restrictions on the functions of the Commissions. Finally, the new Constitution provides that the Commissions should present to the President or Governor as the case may be, annual reports to be placed before the legislature concerned, referring to the cases in which their advice was rejected by the executive governments. The executive governments have to present memoranda to the legislatures explaining the reasons for rejecting or deviating from the recommendations of the Commissions. Such a provision did not exist under the Act of 1935. This provision seeks to ensure that the recommendations of the Commissions are accepted in all but a few exceptional cases. If the executive governments want to reject any advice of the Commissions, they must show how such a rejection was made in public interest. To what extent these three improvements made in the new Constitution have worked well in practice is the subject of discussion in later chapters.

To sum up, two considerations governed the establishment of Public Service Commissions in India. One was the need for the Indianisation of the Services and another was to maintain efficient and contented public services free from political interference. In response

to the demand for the Indianisation of the Services it became necessary to provide for recruitment both at the Centre and in the Provinces, in India. This could be done by establishing Public Service Commissions to discharge functions relating to recruitment and control of public services. Further, the Reformers foresaw that the increasing measure of responsible government granted to the Indians may undermine the efficiency of the public services. They had before them the experience of the Dominions where similar Commissions had been in existence. Instructed by the experience of England and the Dominions, the Reformers thought that the need for retaining efficient public services attendant upon the introduction of responsible government in India could best be served by establishing Public Service Commissions. Thus arose the institution of Public Service Commissions in India which may be regarded as one of the important contributions of the British Rule to Constitutional Government and Public Administration in India.

CHAPTER II

METHOD OF APPOINTMENT, REMOVAL AND SUSPENSION AND CONDITIONS OF SERVICE OF THE MEMBERS OF THE COMMISSIONS AND THEIR COMPOSITION

The methods of appointment and removal and the general conditions of service of the officials have a determining influence on the efficiency of an organization. Before we examine the working of the Public Service Commissions, it is, therefore, necessary to discuss the methods of appointment, removal and suspension and the conditions of service of their members.

(A) APPOINTMENT, REMOVAL AND SUSPENSION

Appointment in India :—

Under the Government of India Act, 1919, the power to appoint the Chairman and Members of the Central Public Service Commission was vested in the Secretary of State for India. The members of the Madras Public Service Commission were appointed by the Governor of Madras. The Government of India Act of 1935 vested the power to make appointments to the Federal Public Service Commission in the Governor-General in Council and to the Provincial Commission in the Governor. Under the present Constitution, article 316(1) which is reproduced *mutatis mutandis* from section, 265(1) of the Government of India Act, 1935, the Chairman and Members of the Union or a Joint Public Service Commission are appointed by the President and in the case of a State Public Service Commission they are appointed by the Governor of the State.

As we discussed in the preceding chapter, the introduction of the reforms of 1919 and 1935 give rise to the danger that the public services in the provinces might come under the political influence of the ministers which might vitiate the entire administration in the provinces. After granting some measure of responsible government to the Indians, the British Government wanted to retain hold on the "steel framework" of civil service in India to the creation and enrichment of which they had contributed so much and on the retention of which depended the success of the new political experiments. It was an act of statesmanship on the part of the British Government to foresee the need to maintain high standards and stability of the civil service. It was this which led the Simon Commission to observe

rightly that the "Protection of the services from political influences is an essential condition of the constitutional advances we recommended."¹ Having been attracted by the experience in the U.K., Canada, Australia and New Zealand the framers of the Act of 1935 were led to the conclusion that the remedy for the likely disastrous consequences resulting from the change in political control, though of a limited character, on the progress and stability of the country lay in removing from the ministers any responsibility for appointments, promotions and other service matters in the civil service and in entrusting these functions to independent service-authorities like the Public Service Commissions. The Public Service Commissions were to relieve the ministers from "embarrassing demands from their supporters and to set them free to devote themselves to more appropriate and more important duties."² The need for independent Public Service Commission was underlined both by the Lee Commission in 1924 and by the Simon Commission in 1930. The important problem, however, was as to how to secure Public Service Commissions which would be independent of the Government. In 1924, the Lee Commission had strongly pleaded that the Commissioners to be appointed on these Commissions "must be detached so far as practicable from all political associations."³ On this question the Simon Commission also emphasized that "If the Provincial Public Service Commissions are to serve effectively the purpose for which we desire to see them established, their members must be completely removed from political influences."⁴

Early in the history of the discussion on the subject of the appointment of the members of Public Service Commissions, it was pointed out that they should be appointed and removable by an authority independent of all party interests. "We think it essential, therefore", said the Simon Commission, "that the appointing authority should be *not the Government but the Governor* and that in making the appointments he should have power to act *otherwise than in accordance with the advice of his Ministers*."⁵ Similar views were also expressed by the members of the Services Sub-Committee of the Round Table Conference. Both Sir C.Y. Chintamani and Sir Shafaat Ahmad Khan demanded independent Public Service Commissions and made a plea for the appointment of the Commissions' members by an authority independent of the Ministers.⁶ This Proposal was further endorsed by the Joint Parliamentary Committee, and Section 265 (1)

1 Simon Commission Report, Vol. II, 1930, p. 297.

2 *Ibid.*, p. 297.

3 Lee Commission Report, 1924, para. 25.

4 Simon Commission Report, *op. cit.*, p. 297.

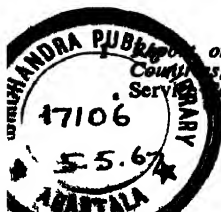
5 *Ibid.*, p. 297.

6 Services Sub-Committee Report, 1930, pp. 5 and 14.

of the Act of 1935 was, in this background of discussion, incorporated to give effect to the principle of non-party appointment of the members of the Public Service Commissions.

Under the present Constitution, appointments to the Public Service Commissions are made by the respective Cabinets. Writing on the subject of the appointment of the members of State Commissions, Mr. C.J. Hayes, a British Civil Service Commissioner who visited India in 1954 to study the Indian Public Service Commissions, concludes that "In consequence of being appointed by the Governor who acts on the advice of the Chief Minister, the Commissions are liable to be closely concerned with the political governments of their States ; if, for instance, there is a change of government, the new Chief Minister, may associate the Chairman (of the Commission) with the former Chief Minister's policies and politics, rightly or wrongly, and formal disagreements result."¹ In addition to this tendency, the Chief Minister is likely to recommend to the Governor the names of such persons for appointment as members of the Commission as are not likely to come into conflict with the Government, i.e., what may be called "safe" persons, or the non-official vacancies in the Commission may be offered to the ex-ministers or persons who have rendered services to the party in power. Even with regard to the official members, it is doubtful whether the members who formerly served as Chief Secretary, Secretaries or other Heads of Departments under the Ministry which appointed them on the Commission can maintain an independent outlook in dealing with it. Thus the appointments to Commission can be made by the Ministry in power in such a way as to secure "safe" and servile members on the Commission, reducing it to the position of a mere appanage of Government. A typical expression of such a servile and politics-ridden commission was contained in the phrase "a Congress Public Service Commission" applied to a certain State Public Service Commission.

It may be contended here that the article 316 (1) of the Constitution of India has been reproduced from the Government of India Act, 1935, without making due provision, in the new system of government, for securing the appointment of independent members of the State Public Service Commissions. The framers of the Constitution have retained the form but have neglected the substance. This argument has, however, the semblance of an academic criticism ; and in an attempt to challenge the utility of the method of appointment of the Commissions' members prescribed by article 316 (1), it would be necessary to show whether it has actually resulted in political appoint-



Report on The Public Service Commissions of British Commonwealth Countries, presented by Mr. C.J. Hayes to the Nuffield Foundation, Civil Service Commission, London, 1955, p. 158.

ments being made on the Commissions. A study of the personnel of the various Public Service Commissions during 1950 to 1956—though it must be admitted that it is a limited study owing to the lack of information available on the subject—reveals that in some cases political appointments have been made on the Commissions. In the case of the Union Commission there have been only two such appointments¹ so far. Among the few cases of political appointments to the State Commissions reference may be made to the appointments of two ex-Members of the Legislative Assembly to the Bombay Public Service Commissions, an M.L.A. to the Orissa Public Service Commission, a Congress worker to the M.P. Public Service Commission and a political worker to the Kerala Public Service Commission. The other cases of political appointments relate to the appointment of an ex-Minister to the U.P. Public Service Commission and that of an ex-Minister to the former Madhya Bharat Public Service Commission.²

The following data about the Members of the Mysore and Maharashtra Public Service Commissions indicates the extent of political appointments to the Commissions :—

Mysore Public Service Commission (1951-64) :—

<i>Members</i>	<i>Professional Back-ground</i>	<i>Caste or Community</i>
First Commission		
A—Chairman	Chairman, Legislative Council and formerly Minister.	Vokkaliga
B—Member	M. L. A. (resigned membership of the commission to contest the general election.)	Lingayat
C—Member	Officer of the I.A.S.	Anglo-Indian
Second Commission		
A—Chairman	Judge of High Court (pre-maturely retired).	Jain
B—Member	Deputy Speaker of Legislative Assembly.	Lingayat
C—Member	Officer of the I.A.S.	Vokkaliga

1 One member was formerly speaker of the Legislative Assembly of a State and another was Minister in a former State.

2 We do not imply here that such persons are bound to be inefficient. But it is difficult to dispute that they cannot easily shake off their political bias when appointed to serve on the Commissions. Their political predilections can either make them servile or can result into discrimination in selection.

Third Commission

A—Chairman	Minister and Speaker of Legislative Assembly.	Scheduled Caste
B—Member	Ex-M.L.A.—defeated in 1962 Elections.	Lingayat
C—Member	Ex-M.L.A.—not given ticket for election.	Urs
D—Member	Officer of the I.A.S. (brother of a Cabinet Minister)	Vokkaliga
E—Member	Officer of the I.A.S.	Muslim

Notes : (1) Vokkaliga and Lingayat are dominant castes in Mysore.
 (2) The appointment of the Scheduled Caste member as Chairman was made due to the demand in the State Legislature for the appointment of a person from Scheduled Castes.

Maharashtra Public Service Commission (1964-65) :-

<i>Members</i>	<i>Professional Back-ground</i>
A—Chairman	Retd. Lt. General of the Army.
B—Member	Former officer of the I.A.S.
C—Member	Former M.P.
D—Member	Former Minister
E—Member	Former M.L.A.

Notes : The trend in Maharashtra is to appoint Members (including the Chairman) from the Maratha community which now occupies a dominant position in the State politics. The Commission also tends to include a member from the Scheduled Castes which is the next numerically large and politically conscious community in Maharashtra.

Although the number of cases of political appointments on the Commissions is limited, there is nothing under the present constitutional arrangement to prohibit the executive governments from creating "packed" Commissions. Thus the Law Commission, in its recent report submitted to the Parliament, points out that "the personnel of these Public Service Commissions in some of the States is not such as can inspire confidence from the points of view of either efficiency or impartiality..... In some of the States appointments to these Commissions are made not on considerations of merit but on grounds of party

and political affiliations."¹ This trend seems to be on the increase with regard to the appointments on the State Public Service Commissions.

It is thus clear that in the States some other method will have to be prescribed for the appointment of the members of the Commissions than the present method. It has been suggested by several retired Chairmen and Members of various Public Service Commissions that the power of making appointments to the State Commissions should be vested in the President instead of in the Governors.² However, as in the case of other formal appointments made by the President, in the appointment of the members of the State Commissions also the selections would be materially made by the Union Government in consultation with the respective State Governments in which case the same political considerations are likely to operate as under the present method. This tendency can be counteracted if the Union Government is vested with the power to make appointments to both the Union and State Commissions in consultation with a body of persons of the highest public standing in India.³ The Union Government should, in consultation with this body, draw up a panel of persons on an all-India basis from which appointments should be made to the Public Service Commissions.

Some critics may object against the above suggestion by saying that it favours centralization of appointments and is contrary to the federal principle. No doubt there is much to be said against centralization. In the Western federal countries, it may be conceded, the Civil Service Commissions of the constituent States are appointed by the respective heads of those States—a power which is generally not misused by them. But in under-developed countries, the constituent units have not yet developed adequate standards of government and public administration; some central direction is necessary in these countries for achieving the minimum standards of good government. As noted earlier, the State Governments in India have not established the convention of appointing professional and non-political persons on the commissions. The method of appointment suggested above can go a long way in establishing a proper convention in this respect.

Quoted in the Editorial, *The Times of India*, March 24, 1959. Also see the following observation made by a former Chairman of a State Public Service Commission: The attitude of the State Governments towards their Commissions leaves much to be desired. They seem to tolerate them as necessary evils under the Constitution and they are doing their best to make them subservient by appointing stooges on them, (*discussions with the author*).

2 See Appendix 'D'.

3 Such as Mr. Jayaprakash Narayan, Dr. C. D. Deshmukh, Mr. Ashok Mehta, Mr. A.D. Gorwala and Mr. P.B. Gajendragadkar.

Appointment in U.K., U.S.A., Canada and Australia :—

It would be interesting to briefly discuss here the methods followed in other countries in the appointment of the Civil Service Commissioners. In the U.K., U.S.A., Canada and Australia, appointments to the Civil Service Commissions are made by the political executive of these respective countries. In the U.K., the Civil Service Commissioners are theoretically appointed by the Crown, but in practice they are appointed by the Cabinet on the advice of the Head of the Civil Service i.e. the Permanent Secretary to the Treasury. But although the appointments to the Civil Service Commission are made by the Cabinet, the Cabinet takes care to see that only persons who possess merit, integrity and independence are appointed to the Commission. In this respect the U.K. Civil Service Commission possesses the best convention among the various Civil Service Commissions. In Canada and Australia also the members of the Civil Service Commission are appointed by the Governor-in-Council concerned. It is true that in the early period of the evolution of the Civil Service Commission of Canada and the Public Service Board of Australia, political appointments were frequently made on the Commissions. One writer writing in the twenties on the subject of the Canadian Civil Service Commission pointed out that not infrequently the members of the House of Commons were appointed to the Commission, and as they could not shake off their party bias after appointment, their appointment had a deleterious effect upon the work of the Commission.¹ After the first world war, however, in both Canada and Australia, under the Civil Service Acts of 1918 and 1924 respectively and under parliamentary pressure, a convention to appoint non-political persons of merit on the Commissions has been established. In the case of the U.S. Civil Service Commission, the three Commissioners are appointed by the President and, like all other important appointments, they have to be confirmed by the Senate. It is significant that the framers of the U.S. Civil Service Act of 1883 tried to mitigate the evil effects of this arrangement of Senatorial sanction by requiring that two Commissioners should be approved by the majority party and one Commissioner by the other party. It is to be observed that though the appointment of the Commissioners is made in this way, the Commissioners are not themselves active politicians. In the United States, usually career and professional men have been appointed on the Civil Service Commission. In this connection, Prof. D.G. Karve rightly observes that the bipartisan character of the U.S. Civil Service Commission has today "more a historical than a functional

1 Quoted by Dr. N.C. Roy in "The Working of the Public Service Commission in Bengal", in the *Indian Journal of Political Science*, Vol. III, No. 2, 1941, p. 198.

justification."¹

It is clear from the above discussion that the power of actual appointment to the Civil Service Commission vested in the political executive is not in itself fraught with danger. If the political executive understands the role and importance of the Civil Service Commission in the administration of government, it will appoint impartial, independent and able persons to the Commission as is the case with the U.K., U.S.A., Canadian and Australian Civil Service Commissions. What is important is the development of sound conventions. In a country like India where public opinion is not strong and effective, it is important that the present political leadership should establish appropriate conventions regarding the appointments to Public Service Commissions.

Removal and Suspension in India :—

Provisions relating to the removal and suspension of the members of the Public Service Commissions are contained in article 317 of the Constitution. Under the Government of India Act, 1935, there was no such provision. The Act gave power to the Governor-General and the Governors to remove or suspend a member of their respective Public Service Commissions in their discretion. This was a serious defect in the Act of 1935 in so far as the power to appoint and remove the members of the Public Service Commissions was vested in the same person. One of the merits of the present Constitution in this respect is that it specifically provides a mode of removal and suspension of the Commissions' members, and limits the power of the executive to remove or suspend the members of the Commissions.²

Under article 317 (1) of the present Constitution, "Subject to the provisions of clause (3), the Chairman or any other member of a Public Service Commission, shall only be removed from office by an order of the President on the ground of misbehaviour after the Supreme Court, on reference being made to it by the President, has, on enquiry being held in accordance with the procedure prescribed in that behalf under Article 145, reported that the Chairman or such other member, as the case may be, ought on any such ground to be removed." A member of a Public Service Commission shall be considered as guilty

- 1 "U.S. Civil Service Commission" in the *Indian Journal of Public Administration*, Vol. III, No. 3, 1957, pp. 206-207. In this connection also see the biographical notes on the Commissioners available with the Civil Service Commission, Washington D.C.
- 2 So far no case of removal or suspension of any Public Service Commissioner has occurred.

of misbehaviour when, for example he "is or becomes in any way concerned or interested in any contract or agreement made by or on behalf of the Government of India or the Government of a State or participates in any way in the profit thereof.....otherwise than as a member or in common with other members of an incorporated company." When there are such cases of misbehaviour, the President can remove the members of both the Union and the State Commissions provided he refers such cases to the Supreme Court and provided further that the Supreme Court reports, after an enquiry held according to a special procedure prescribed by the Supreme Court (under article 145 (1) (J) that such member of the Commission should be removed. The Supreme Court has made the following rules for hearing cases under article 317 (1) :—

- “1. On receipt by the Registrar of the order of the President referring to the court a case for enquiry under Article 317 (1) of the Constitution, the Registrar shall give notice to the Chairman or member of the Public Service Commission concerned and to the Attorney-General for India or the Advocate-General of the particular State to appear before the Court on a day specified in the notice to take the direction of the Court in the matter of enquiry. A copy of the charges preferred against him shall also be furnished to the respondent along with the notice.
2. The Court may summon such witnesses as it considers necessary.
3. After the hearing of the reference, the Registrar shall transmit to the President the report of the Court.
4. No Court fees shall be payable in connection with any reference dealt with by the Court under this order.”¹

The strict judicial procedure laid down in the above rules and the requirement that the President must have the supporting judgment of the Supreme Court in order to remove a member of a Public Service Commission, provide, in our view, a sufficient safeguard to the members of the Commissions against wrong charges of misbehaviour.

Pending enquiry by the Supreme Court, the President has the power to suspend a member of the Union or a Joint Commission and the Governor has the same power in the case of a State Commission.

¹ Order XXXVII of the Supreme Court Rules, 1950, quoted by D.D. Basu in his *Commentary on the Constitution of India*, Vol. II, Sircars, Calcutta, 3rd Edition, 1956, p. 507.

‘Justifying the necessity of this provision, Dr. Ambedkar rightly said in the Constituent Assembly that when “the President thinks that a member is guilty of misbehaviour, it is not desirable that the member should continue to function as a member unless his character has been cleared up by a report in his favour by the Supreme Court.”¹

In addition to the method of removing and suspending the members charged with misbehaviour as discussed above, article 317 further lays down three categories of cases of automatic disqualification i.e. cases in which the President can remove a Chairman or a Member of the Union or a State Commission without any formality. These cases occur when : (1) a member is adjudged an insolvent, (2) he engages during his term of office in any other paid employment, and (3) he is, in the opinion of the President, unfit to continue in office by reason of infirmity of mind or body. With regard to the need for summarily removing a member in certain obvious cases, it is sufficient to quote here the argument of Dr. Ambedkar in the Constituent Assembly. He observed in the course of the discussion on this subject : “With regard to automatic disqualifications, I do not think that there could be any manner of dispute because it is obvious that if a member of the Public Service Commission has become insolvent, his integrity could not be altogether relied upon and therefore, it must act as a sort of automatic disqualification. Similarly, if a member of the Public Service Commission who is undoubtedly a whole-time officer of the State, instead of discharging his duties to the fullest extent possible and devoting all his time, were to devote a part of his time in some other employment, that again should be a ground for automatic disqualification. Similar is the case with regard to any member who becomes infirm in body or mind”.²

Removal in U.K., U.S.A., Canada and Australia :—

In the U.K., Canada and Australia, the members of their respective Civil Service Commissions cannot be removed by the regular executives except when an address is presented to them to that effect by both the Houses of Parliament. In Australia, the Governor-in-Council has the power to suspend any member of the Public Service Board on the ground of misbehaviour or incapacity. But such suspensions must be reported to the Parliament within seven days ; and if within sixty days both the Houses request his re-instatement, the member suspended must be restored to his office. In the case of the U.S. Civil Service Commission, the President possesses the power to remove any Commissioner in his discretion. In the case of

1 *Constituent Assembly Debates*. Vol. IX, No. 15, p. 57^c

2 *Ibid.*, p. 575.

the U.S. Commission, the Commissioners are likely to possess less independence and protection—a tendency which explains the numerous resignations which have occurred in the past¹ than that given to the Civil Service Commissioners in England, Canada and Australia. As against these two methods followed in the U.K., Canada and Australia, and in the United States for the removal of Civil Service Commissioners, it may be said that the method of removal of the members of the Indian Public Service Commissions secures a balance between rigidity and flexibility. On the one hand, in cases of misbehaviour, it is not necessary to adopt the cumbersome procedure of having a resolution to be passed by both the Houses of Parliament as is the practice in the U.K., Canada and Australia ; but at the same time the Constitution gives adequate protection, unlike the practice followed in the U.S., to the members of the Public Service Commissions by requiring the President, in cases of misbehaviour, to obtain a report from the highest judicial body in the country to that effect before he removes any member of a Commission. On the other hand, in cases of insolvency or when a member engages in any other employment or when he becomes incapable due to physical or mental infirmity, the President has the power to remove any such member without following any rigid and difficult procedure. During the debate in the Constituent Assembly on the corresponding article of the Draft Constitution, Dr. Ambedkar, arguing why it is unnecessary to adopt the method followed by the U.K. and other Commonwealth countries in this regard rightly observed that, “it is unnecessary to provide such a stiff and severe provision for the removal of the members of the Public Service Commissions. Consequently it has been provided in this Article that the provisions contained in the Government of India Act (1935) for the removal of Judges of the High Court² would be sufficient to give as much security and as much protection to the members of the Public Service Commissions.”³

(B) CONDITIONS OF SERVICE

Salary :—

Not only is the power of appointment of the members of the

- 1 See the “Historical Register” appended to any *Annual Report* of the U.S. Civil Service Commission.
- 2 Under the Government of India Act, 1935, a Judge of the High Court could be removed by the Governor-General on such report being made by the Federal Court and a Judge of the Federal Court on a report in that behalf by the Privy Council.
- 3 *Constituent Assembly Debates, op. cit.*, p. 557.

Public Service Commissions vested in the President and the Governors, but their conditions of service are also determined by them in exercise of the power granted to them by clause (d) of article 318 of the Constitution. In some States such as Andhra, Bombay, Madras and Rajasthan, fresh regulations have been made regarding the conditions of service of the members of the Commission; while in other States and for the Union Commission, regulations for this purpose have been made on the basis of similar regulations issued under Section 265(2) of the Government of India Act of 1935. The only limitation which the Constitution imposes upon such regulations is that "the conditions of service of a member of a Commission shall not be varied to his disadvantage after his appointment." According to this provision, it is incumbent on the President or Governor, as the case may be, to frame regulations regarding salary, pension, provident fund, leave, allowances, etc., which may be similar to such benefits which a member received prior to his appointment on the Commission; but he is not to be at a disadvantage regarding these conditions, as compared with his previous conditions of service, after his appointment to the Commission. For example, the monthly salary fixed for the Chairman and other Members of the Madras Public Service Commission is Rs. 2000.00 and Rs. 1500.00 respectively. The Madras Public Service Commission Conditions of Service Rules provide that, "A person who at the date of his appointment to the Commission is holding a post under the Government of India or the Government of a State, shall on appointment as Chairman or other member, receive the salary which he would have drawn under the relevant rules had he continued to hold that post or the salary mentioned in clause (1), whichever is higher."¹ In some individual cases also special regulations may be made so that the existing rules regarding their conditions of service do not constitute a disadvantage for them. Thus, for a certain Chairman of the Rajasthan Commission who was formerly a member of the Federal Public Service Commission, it was provided that "he shall be paid such amount as would, taken together with his pension give him a total remuneration of Rs. 3000.00 P.M.,"² although the monthly salary admissible to him under the existing rules was Rs. 2000.00 P.M.

According to the present rules, the monthly salaries of the members of some of the Public Service Commissions are indicated in the following table :—

- 1 *Vide "Madras Service Manual,"* Vol. I, Government Press, Madras, 1954, p. 8, clause (2) (1) of Rule 4.
- 2 *Rajasthan Public Service Commission Conditions of Service Rules* published in the *Rajasthan Gazette Extra-ordinary*, dated March 10, 1951.

<i>Commission</i>	<i>Salary Per Month</i>
1. Union Public Service Commission	{ Chairman — Rs. 4000/- Members — Rs. 3000/-
2. Andhra Public Service Commission	{ Chairman — Rs. 2000/- Members — Rs. 1500/-
3. Bihar Public Service Commission	{ Chairman — Rs. 2500/- Members — Rs. 1750/-
4. Bombay Public Service Commission	{ Chairman — Rs. 2750/- Members — Rs. 2000/-
5. Kerala Public Service Commission	{ Chairman — Rs. 1750/- Members — Rs. 1250/-
6. Madras Public Service Commission	{ Chairman — Rs. 2000/- Members — Rs. 1500/-
7. Rajasthan Public Service Commission	{ Chairman — Rs. 2500/- Members — Rs. 2000/-
8. Uttar Pradesh Public Service Commission	{ Chairman — Rs. 2500/- Members — Rs. 2000/-

We may compare here the salaries of the members of the Public Service Commissions with those fixed by the Constitution for the Chief Justices and the Judges of the Supreme Court and the High Courts. The monthly salary of the Chief Justice and other Judges of the Supreme Court is Rs. 5000.00 and Rs. 4000.00 respectively ; whereas in the case of the High Court it is Rs. 4000.00 and Rs. 3500.00 respectively. Such high emoluments given to the judges of the Supreme Court and the High Courts are necessary if they are to attract eminently qualified persons and if they are not to be susceptible to corruption and improper influences in the administration of justice. It can justly be maintained here that if the importance of the judiciary in political construction is profound it is no less so in the case of the Public Service Commissions. A State committed to the goal of modernisation and democratisation depends for its proper functioning upon a sound and efficient public service to the general tone and standards of which the Public Service Commissions can contribute a great deal. Moreover, the Public Service Commissions in the States have also a

responsibility along with the High Courts in the selection of the subordinate judges. It will be argued elsewhere that the position of the Public Service Commissions is that of a separate functional organ in the governmental system like the Legislature, the Executive and the Judiciary. From the points of view of their position, functions and role, therefore, they occupy a unique place in the successful operations of the government. Despite the important position and role of the Public Service Commissions, it is clear from the figures given above that in some Public Service Commissions the salaries given to the members are far from being adequate. Especially the salaries given to the Chairmen and Members of the Andhra, Kerela and Madras Commissions are low. In a country like India where the public service is still characterised by favouratism and caste, regional and political influences, it is hardly necessary to emphasize that the members of the Public Service Commissions must have financial status and independence commensurate with the nature of their functions and responsibilities.

Pension and Provident Fund:—

Article 316 of the Constitution of India requires that “as nearly as may be one-half” of the members of every Public Service Commission must be persons who have held office for at least ten years under the Central or a State Government. The other members of the Commission may be appointed from any field. This provision raises two questions in regard to the provisions for pension and other financial security of the members of the Commissions after their retirement : (1) what is the relation of service as a member of the Commission to service under Government for purposes of pension ? (2) what are the provisions made for the non-official members of the Commissions in giving them financial security after their retirement ?

Rules prescribed for the above matters vary from Commission to Commission. For the Andhra, Bombay, Madras and the U.P. Commissions it is provided that “No pension shall attach to the office of Member as such.”¹ But in the case of a Chairman or a Member “who at the date of his appointment was in the service of the Government of India or the Government of State, service as a Member shall count for pension under the Rules applicable to him in the service to which he belonged.” Further, such service, unless the member is a member of the Indian Civil Service or the Indian Administrative Service or is entitled to a pension under Army Regulations, also counts for the higher additional pension in the case of the

1 *Vide Rules 7, 7, 7, and 11 of the Conditions of Service Rules of the respective Commissions.*

Chairman and the lower additional pension in the case of the members, of the Commission. In the old regulations for the Bombay Public Service Commission, the members who were in pensionable service under Government were permitted to count their service as members. This provision, however, has been omitted in the new regulations framed in 1954. Arguing for the retention of the old provision, the Bombay Public Service Commission pointed out to the Government that, "it would restrict the field of selection of members of the Commission from among serving officers of Government to those who had earned their full pension and were eligible for retirement and that, since provision was made in the regulations for serving officers of Government to retain their service privileges in respect of leave and provident fund, there should be no objection to their retaining their pensionary status."¹ The Bombay Government, however, did not find it feasible to retain the old provision in the new regulations and supported its position by the plausible argument that "a Government servant on appointment as Member ceased to have a lien on his former pensionable post and, therefore, could not be deemed to be in pensionable service while serving as Member."²

In the Andhra, Madras and U.P. Commissions, the members are eligible for drawing their salary in addition to their pension in full which accrues to them as retired government servants. Similar rules were applicable to the members of the Bombay, Bihar and Rajasthan Commissions. But new rules framed for these Commissions in 1952, 1953 and 1956 respectively, provide that if a Chairman or Member who, at the date of his appointment, was in receipt of a pension from Government, the Governor shall determine—(1) whether the pension shall be drawn in addition to the salary payable under the regulations or whether the pension shall be held in abeyance and if so, whether in whole or in part; or in the alternative, (2) whether the salary should be reduced by the amount of the pension or any portion thereof.³ The principle behind this rule appears to be that a member should not continue to receive emoluments from two posts at the same time. The rule that it is the Governor (i.e. State Government) who shall decide the question of pension payable to a member of the Commission as a retired Government servant as provided in the rule cited above, is also, in our opinion, based on a sound principle since the Governor can determine it according to the nature of particular cases.

1 *Annual Report of the Bombay Public Service Commission for 1953-54*, p. 3.

2 *Ibid.*, p. 3.

3 *Vide Rules 4(b), 4(2) and 4(2) of the Conditions of Service Rules of the Bihar, Rajasthan and Bombay Commissions respectively.*

In most of the Commissions the members are entitled to provident fund benefits. If a Chairman or Member, who, at the date of his appointment was in government service either under a contract or otherwise and had been admitted to the benefits of any provident fund maintained by the Government, he is eligible after appointment to the Commission "to continue to subscribe to the said fund upon the same terms and conditions and subject to the same rules as previously".¹ In the case of a Chairman or Member who was not in government service, he is eligible to join the General Provident Fund of the State. Thus unless a Member was in government service otherwise than on a contract basis, provident fund benefits are available to the members of the Commissions.

It is to be noted here that in the Bihar and Rajasthan Commissions, rules made in this respect are different from those made for the other Commissions. According to the rules for the Bihar and Rajasthan Commissions, non-official members of the Commission are also eligible to receive pension on retirement if they are not to otherwise get pension on account of some other service. In order to qualify for a pension, the members must have served on the Commission for a minimum period of three years. For a Chairman who completes six years service on the Commission the pension has been fixed at Rs. 5000/- a year in the case of the Rajasthan Commission ; and Rs. 5075/- and Rs. 5583/- a year in the case of Bihar Commission if a member has drawn a salary at the rate of Rs. 2500/- and Rs. 2750/- per month respectively. For a shorter term, the pension admissible to a Chairman shall be proportionate to the years for which he has worked as a Chairman on the Commission. The minimum pension payable to a member who completes six years service on the Commission is fixed at Rs. 3000/- and Rs. 3553/- a year in the Rajasthan and Bihar Commissions respectively, and proportionately less for a shorter term.

The above rules for the Bihar and Rajasthan Commissions providing for pension in the case of the non-official members of the commission are salutary in that they provide some financial security to those members after retirement. In the case of the official members, they get pensions, or the benefits of provident fund if they were in government service on a contract basis. But for the non-official members in all other Commissions except the Bihar and Rajasthan Commissions, there is no satisfactory provision regarding financial security after retirement. They are allowed to join the General Provident Fund of the State. It would be desirable to give some financial security to the non-official members of the Commissions,

1 Rule 8 of the *Conditions of Service Rules of the Bombay Commission.*

as in Bihar and Rajasthan, since the members of the Commissions are debarred from further employment under the Central or a State Government. Although the retired members of the Commissions are eligible only for the posts on the Commissions as detailed in Article 319, it can be stated as a broad fact that such re-appointments have been rare, if any. Commenting upon this article, a former Member of the U.P.S.C. expressed the view that "If there is no further employment, at least a proper pension of Rs. 1000.00 per month should be provided".¹ This appears to be a reasonable claim. We may suggest here that a reasonable pension should be granted to the retired official members of the Commissions, and that rules on the lines of the Bihar and Rajasthan Commissions providing for pension for the non-official members should be framed for all the Commissions.

In regard to the Conditions of Service Rules in general, there does not appear to be any justification for having different rules for the members of the Commissions. It would be desirable to make common rules applicable to all the State Commissions as is the case regarding the High Court Judges. This would also be consistent with our suggestion made earlier that the power to appoint the members of the State Commissions should be exercised by the President. When the President makes appointments, he would also have the power to issue rules regulating the conditions of service of the Commissions' members.

Tenure, Age-limit and Restriction on Re-employment :—

The members of both the Union and State Commissions in India have a six-year tenure and they retire from office at the age of sixty-five years in the case of the Union Commission and sixty years in the case of the State Commissions, whichever is earlier. It is interesting to note here the conditions regarding the tenure and age-limits of the Civil Service Commissioners of the U.K., U.S., Canada and Australia. In the U.K., there is no tenure; the Commissioners remain in office during good behaviour. In the U.S., Canada and Australia, the tenure of the Civil Service Commissioners is six, ten and eight years, respectively. The retirement age in all cases is sixty-five years.

It is contended by some of the retired members of the Indian Public Service Commissions that the six-year tenure is too short a period for giving real benefit of a member's experience to the Commission. It is arguable that a member acquires mastery over his complex and responsible work after, say, two or three years of work on the Commission; he then learns to deal with the cases before him

¹ *Vide Appendix 'D'.*

in a more competent and judicial way. It is only after this period that a member looks ahead towards more effective service on the Commission. A short tenure involves loss of experience and a slowing up of the work of the Commission. In spite of this defect of a short tenure, it will be admitted that a long tenure has its own dangers especially when the appointment of the Commissioners is made on considerations other than those of merit and ability. A long tenure can be useful only when a convention has been established to appoint members on the Commissions on the ground of merit. This convention, however, has not so far been fully established in India.

Regarding the difference in the age for retirement between the members of the Union and the State Commissions, it may be pointed out that it is not based on any rational difference between the capacity required for doing work in the Union and the State Commissions. There is no valid reason to suppose that a member of a State Commission can be useful only upto the age of sixty years while a member of the Union Commission can be useful upto the age of sixty-five years. The nature of functions performed by both the Union and State Commissions demands the same vigour and ability on the part of the members. It is, therefore, desirable to establish uniform age-limit for retirement for the members of both the Union and State Commissions (by raising the retiring age of the members of the State Commissions from sixty to sixty five years).

An outstanding feature of the Indian Public Service Commissions is that appointments on the Commissions are restricted to persons who usually attain the age of fifty-five years. While there is justification in restricting these appointments to persons with experience, it will be conceded that men, in general, tend to become conservative during the latter part of their career. The introduction of some young element in the Commission, as Mr. C.J. Hayes has suggested,¹ can bring some freshness and dynamism to it. It is for consideration whether young persons of merit and ability can also find a place on the Commissions.

Article 319 of the Indian Constitution places certain limitations on the re-employment of the Chairmen and Members of Public Service Commissions after retirement. The Chairman of the Union Commission is ineligible for further employment either under the Union or State Governments; the Members of the Union Commission are eligible only for the Chairmanship of the Union or a State Commission. In the case of the State Commissions, a Chairman is eligible only for the Chairmanship of another State Commission or Membership or Chairmanship of the Union Commission; a Member of

1 See Appendix 'D'.

State Commission is eligible only for the Chairmanship of that or another State Commission or the Chairmanship or Membership of the Union Commission. Further the members of the Commissions are not granted extension of term on the same offices. Justifying these restrictions on the re-employment of the members of the Commissions after their retirement, Dr. Ambedkar pointed out in the Constituent Assembly : "Our whole object is to make the members of the Public Service Commissions independent of the executive. One way of making them independent of the executive is to deprive them of any office with which the executive might tempt them to depart from duty".¹ It will be admitted that certain restrictions must be placed on the re-employment of the members of the Commissions if they are to be independent of the executive. Two such restrictions are indispensable. One restriction lies in making the members' term of office non-extendable. Dr. H.N. Kunzru, defending this restriction, rightly pointed out that "if the term of office of a member of a Commission is allowed to be extended—then there is every fear that members of the Public Service Commissions in order to secure their re-appointment will try to curry favour with the executive".² Another desirable restriction is to place a bar on the re-employment of the members in the regular departments of Government. Such a temptation may again make the members of the Commissions less independent.

Among the various restrictions on further service on the different Commissions, the restriction on the Members of the State Commissions to act as Members of other State Commissions deserves to be eliminated. If a Chairman of a State Commission can be re-employed as a Chairman of another State Commission, there is no principle which justifies the restriction on the Members of the State Commissions to be re-employed as Members of other State Commissions.

Excepting the two restrictions noted above, the other restrictions are generally considered by the retired members of the various Public Service Commissions as being unnecessary.³ They point out that there is no such restriction in the case of High Court and Supreme Court Judges⁴ whose independence is of no less value than of that of the

1 *Constituent Assembly Debates, op. cit.*, p. 593.

2 *Ibid.*, p. 584.

3 See Appendix 'D' and the views of Shri Jaspat Kapur and Dr. H.N. Kunzru in *Constituent Assembly Debates, op. cit.*, pp. 580-584.

4 Justice Fazle Ali, a Judge of the High Court and Supreme Court was appointed the Governor of Assam, Justices Lokur and K.C. Sen of the Bombay High Court were employed under Government for a number of years after their retirement and Chief Justice M.C. Chagla of the Bombay High Court was recently appointed Indian Ambassador to the United States and is now Union Minister for Education.

members of the Public Service Commission. Some of the foreign experts also find that these restrictions involve loss of services of competent persons to the nation. Mr. C.J. Hayes, a former Civil Service Commissioner of the United Kingdom observes that "It seems a pity that such talent cannot be used again".¹ Dr. Paul Appleby similarly points out that "too much is made here of the separation of Public Service Commission members from other areas of public responsibility".²

In other countries the practice of re-employing some outstanding retired Civil Service Commissioners does not appear to interfere with the independence of the Commissioners. Recently, for instance, a retired Chairman of the Civil Service Commission of Canada was re-appointed Ambassador to the United States and a Civil Service Commissioner of the U.K. was transferred to the Treasury. More than in foreign countries, there is a need in India to employ the services of competent retired civil servants and members of Public Service Commissions. Some of the retired Chairmen and Members of Public Service Commissions in India have had an outstanding academic career in Oxford, Cambridge and London Universities, some of them joining the Indian Civil Service. They have rendered meritorious services in the field of administration or education. If such persons possessing independence, integrity and ability are re-appointed by Government, the independence of the Commissions need not be affected. The independence of the Commissions would be affected only when the re-appointments are made not on the basis of merit and ability but on the basis of patronage. If anything, the re-appointment of the retired members of independence and ability should be an encouragement to, and recognition of, these qualities.

It would also be worthwhile to briefly indicate here the different fields in which the services of the retired members of merit and ability can be utilized by Government. Firstly, the services of such members may be used for the investigating Commissions or Tribunals. Secondly, they may be re-appointed in Public Corporations such as the Industrial and Insurance Corporations. The Public Corporations play a vital role in the industrial and economic progress of the country and it is necessary that the administration of these Corporations must be in efficient hands. Thirdly, some of the retired members of the Commissions may be asked to help the State Governments in improving the tone and standards of their administration. Of late, the standards and tone of administration in some of the States have fallen down. The experience and insight of the retired members of the Commissions

1 See Appendix 'D'.

2 Ibid.

can be utilized for improving State administration. Fourthly, the retired members of the Commissions who possess experience in the field of education may be re-appointed as Vice-Chancellors of the Universities. Finally, their services may be used by Government as Ambassadors or Envoys to foreign countries or for the U.N. and its specialized agencies¹.

(C) COMPOSITION

Professional

The personnel of the Public Service Commissions is drawn from various sources—the services, education, judiciary, law, politics and engineering. However, the sources from which the members are drawn are not uniform and the proportion in which they are drawn from these sources varies from Commission to Commission. Here only some general tendencies may be indicated.²

The personnel of the Union Public Service Commission usually consists of two members from the Indian Civil Service, two educationists, one member from the scientific or technical field and one or two members from the State Commissions and/ or judiciary or law. In the State Commissions the majority of the members are drawn from the services including the State Educational Service. The remaining are drawn from law or judiciary, politics and in some cases from engineering. Regarding the mobility of the members of one Commission to the other, only four members of different State Commissions have been so far appointed to the Union Commission. In two cases, members of the Union Public Service Commission were appointed Chairmen of State Public Service Commissions. In two cases, Chairmen of State Commissions were appointed Chairmen of other State Commissions. The Chairmen of the Union Commission have been uniformly members of the Indian Civil Service and in the State Commissions there is a tendency to appoint members of the Indian Administrative and State Educational Services as Chairmen of the Commissions.

Two conclusions can be deduced from the above general analysis. The first is that the majority of the members in most of the Commissions is constituted by the members from the services. The Constitution lays down that at least one-half of the members of the

1 *Ibid.*

2 The conclusions drawn here are only tentative since no claim can be made to the completeness of the data from which they are derived.

Commissions should possess previous experience in government service for ten years. It is interesting to note here briefly how this particular provision came to be adopted by the Constituent Assembly. On this question there were two opposite views before the Constituent Assembly. One view was expressed by the Conference of the Chairmen of Public Service Commissions in 1949 in their recommendation to the effect that "in order to provide for the representation of the interest involved, this *proviso* should now be amended so as to provide 'one-third' in place of 'one-half' occurring in the first line of this provision."¹ As against this view of the Public Service Commissions, the Home Affairs Ministry in their memorandum advocated that "from the point of view of public service, the services (should) be even more strongly represented on the Commission".² When a member of the Constituent Assembly pointed out that "the Drafting Committee headed by Dr. Ambedkar has simply accepted the recommendations of the official members of the Home Ministry in absolute disregard of the saner counsel of the Federal Public Service Commission and the Chairmen of Provincial Public Service Commissions", Dr. Ambedkar agreed to insert the phrase "as nearly as may be one-half" in place of "at least one-half" which was originally proposed in the Draft Constitution.

It will be conceded that a certain proportion of the personnel of the Commissions must be reserved to persons with experience in governmental administration. The Lee Commission had also pointed out in 1923 that the members of the Public Service Commissions must be men "who will appreciate the vital and intimate relationship which should exist between the State and its servants".³ Though some members of the Commissions must fulfil the above condition, there are two dangers in giving government servants a majority on the Commissions. Firstly, the Commissions become less independent unless they are appointed from outside the State; and secondly, because of their bureaucratic habits they tend to be conservative and disinclined to make changes in their working methods and procedures. What is necessary in the composition of the Commissions is a balance of view-points and experiences so that while the nature and needs of the public service are kept in view, it does not blind the members of the Commissions to the need for further reforms in the public service.

In our view, a Public Service Commission in order to function efficiently should have the following composition. Instead of appoint-

1 Quoted by Jaspat Roy Kapoor, *Constituent Assembly Debates*, *op. cit.*, p. 578.

2 *Ibid.*, p. 578

3 *Report*, *op. cit.*, para. 25.

ing one-half of the members from the services, it would be better to appoint one-third of the members from the services. The remaining members should represent the academic or educational, engineering or technical and judicial or legal professions. A Commission constituted on these lines would secure a balance of important view-points and experiences and at the same time give due weight to the services.

The second conclusion which emerges from the preceding analysis is that there is a lack of mobility of the members of one State Commission to another. Two reasons account for this. Firstly, a member by the time he completes his tenure of six years normally reaches the retirement age of sixty years. Secondly, there is a tendency on the part of the State Governments to give local preference in appointing the members of the Commissions. Regarding the first, if the retiring age of the members of State Commissions is raised from sixty to sixty-five years and if the Members of the State Commissions are made eligible to be re-appointed as Members (in addition to being eligible for Chairmanship which is permitted by the Constitution) of other State Commissions as we have suggested earlier, it may enable the State Commissions to employ the services of the retired Members of other Commissions. The second difficulty can be overcome by vesting the power to make appointments to the State Commissions in the President as suggested earlier. The President, in making these appointments from a panel drawn up on an all-India basis, would not be governed by local preferences.

Social Composition

A general tendency regarding the social composition of the Public Service Commissions may be also noted here. The members of the Commissions, appear to be chosen from a narrow social circle ; usually they represent the dominant castes of the State. One does not find the lower middle class represented on the Commissions ; nor are there members with rural background. The data given in earlier discussion (pages 21 to 22) shows that the dominant castes the Lingayats and Okkaliga in Mysore and the Marathas in Maharashtra – are well represented on the Commissions. Similarly, the Reddy and Kama in Andhra Pradesh, Gounder, Padayachi and Mudaliar in Madras State, Nayars in Kerala, Patidars in Gujerat and the Rajputs, Jats, Gujars and Ahirs in the States of north India tend to be represented on their respective Commissions. In a number of States, there has further been a demand for including, in the Commissions, members from the Scheduled Castes who are numerically strong and are consequently assuming political importance.¹ The members have

usually served on important positions, but are generally out of touch with administration at the lower level. With a few exceptions, the Commissions also do not have academically first rate persons with recognised contribution and competence in their sphere of expertise. Some of the members from the academic field possess foreign qualifications which has the effect of prejudicing them in favour of candidates holding degrees from foreign universities. The net result of all this is that most members of the Public Service Commissions especially in the States, tend to be isolated in an ivory tower, without much insight into the socio-political and economic context in which the Indian administration functions today. Further, the result of this social and educational back-ground of the members of the Commissions is that "in recruitment interviews the Commissions tend to favour candidates whose social experience and education bear some similarity to those of the members of the Commissions, while in other matters such as promotions and disciplinary cases, they generally rubber-stamp the views or decisions of the government."¹

1 C.N. Bhalerao, "Substantive Forces in Indian Administration," *The Economic Weekly*, October 17, 1964.

CHAPTER III

FUNCTIONS OF PUBLIC SERVICE COMMISSIONS— RECRUITMENT : PRINCIPLES OF RECRUITMENT— COMPETITIVE WRITTEN EXAMINATIONS

(A) GENERAL

The efficiency and morale of public service depends to a great extent upon the standards prescribed and the methods followed in recruiting public servants. "Clearly", remarks Dr. Gladden, "civil service history can be epitomized as the story of the recruitment of officials, since on this first essential step largely rests the nature and degree of usefulness of the administrative machinery to the service of which the human elements are dedicated".¹ The administrative machinery may be very sound and scientific administrative methods and techniques may be adopted to run that machinery, but if the personnel operating that machinery is not competent and of the right quality, the goods delivered by administration would be of poor quality. The problem of selecting the right type of persons for public service assumes great importance especially in an under-developed country like India where the Government is pursuing new social and economic policies in an endeavour to bring about allround progress in the country. The change in the political basis of the State and the adoption of new social and economic objectives in India have tremendously affected both the quantity and quality of public administration. Today the public servant has to perform not only many kinds of duties which were restricted in the British regime, but he has also to perform these duties in a way different from what his predecessor did before independence, by keeping in mind public welfare as the supreme object of administration and by securing the cooperation of the people. Speaking on the role of the public servants in the new set-up in India, Mr. Nehru pointed out that "In a period of dynamic growth we want as civil servants—people with minds, people with vision, people with a desire to achieve, who have some initiative for doing a job and who can think how to do it."² As never before, in the new context in which public administration has to function in India, the public servants have to be persons of high ability and intellectual qualities, persons who are alert, resourceful, loyal and

1 *The Civil Service : Its Problems and Future*, London, 1948, p. 64.

2 An address to the Indian Institute of Public Administration in the *Report on Proceedings of the Fourth Annual Meeting held on 5th April, 1958*, I.I.P.A., New Delhi, p. 13.

devoted to the service of the community, and above all, men of undoubted integrity and honesty. How to select such persons, therefore, is a question which assumes increasing importance.

Before we pass on to a discussion of the recruitment methods followed by the Indian Public Service Commissions, we may briefly examine the position of the Public Service Commissions in regard to the framing of rules of recruitment to public services. According to Article 309 of the Constitution of India, the power to make rules regarding recruitment to public services is vested in the legislatures. However, until the legislatures pass Acts to regulate recruitment, the proviso to Article 309 empowers the President and the Governors to make rules for this purpose in case of the posts and services of the Union and of the States, respectively. Since the legislatures have not yet passed Acts regulating recruitment to public services, the present position in this regard is that the executive makes rules of recruitment in consultation with the Public Service Commission. The executive, thus, lays down the method of recruitment for its different public services—whether by competitive examination or partly by competitive examination and selection—and qualifications and age of the candidates. These rules are sent to Public Service Commissions which may suggest any change in the proposed methods of recruitment, but which may or may not be accepted by the executive.

The purpose of giving this power to the executive is that the executive must have a final say in framing policies and methods of recruitment since it is the executive which has to run the administration, and not the Public Service Commissions. This, however, means that the Commissions which have a fund of knowledge and experience of service problems, limited in the case of the changing executive, have only a negative function in making rules for recruitment. The Government is not an expert authority on recruitment. Its main interest is to see that it gets the most competent available persons to man its various services. This practice of giving merely a consultative and negative role to the Commissions in a field in which they are expected to be expert authorities is also at variance with the practices followed in other countries. In the United Kingdom, the Civil Service Commission is authorized to make regulations "prescribing the manner in which persons are to be admitted to Her Majesty's Home Civil or Foreign Service or to any situation or class of situations therein and the conditions on which the Commissions may issue certificates of qualifications",¹ subject to the approval of the Treasury or the Secretary of State for Foreign Affairs. The Civil Service Commission with the approval of the above-mentioned authorities (actually,

¹ Civil Service Order in Council, 1956, (in the *Report of the U.K. Civil Service Commission for 1956-57*).

of the Cabinet) determines such conditions as qualifications, age and the standard of health, character, knowledge and ability of the candidates for civil service. The point to be noted here is that it is the Civil Service Commission which frames rules of recruitment in terms of independent standards of suitability and competence. Similarly, the Federal Civil Service Commission and the State Civil Service Commissions in the United States have the authority to establish standards with respect to citizenship, education, age, training and experience, physical and mental fitness, residence or other requirements of the candidates. In Canada and Australia, the Civil Service Commission and the Public Service Board respectively, have the same authority but, like the practice followed in the United Kingdom, their rules and methods of recruitment are subject to the approval of the Governor-in-Council. All these Service Commissions are given the power to make rules regarding the standards and methods of recruitment on the assumption that such independent and expert service authorities are more competent to determine the proper standards and methods of recruitment than the executive. At the same time the executive is permitted to take into account some considerations of policy such as relaxing standards of recruitment for candidates who have served in the Defence Forces. The question of determining policy of this kind is legitimately within the sphere of the government's responsibility in so far as it is not contrary to the principle of efficiency. But for determining the conditions and standards of recruitment, the Service Commissions are more competent. It appears to us that both these purposes can be served by giving the power to the Indian Public Service Commissions to make regulations determining the standards and methods of recruitment and by making them subject to the approval of the President or the Governor as the case may be.

When the recruitment rules regarding the syllabus and standard of examination, possession of particular qualifications or degree for admission to the examination are finalised in consultation with the Public Service Commissions, the same are published in Government Notifications and Gazettes. The rest of the work then has to be done by the Public Service Commissions. The Commissions issue the advertisements in the principal news-papers in the country, announce the number of vacancies, qualifications, age and experience required of the candidates, the nature of the posts and their salaries. For *ad hoc* recruitment, the Ministries or Departments specify the conditions and requirements on the above matters in what is called the 'Requisition Form'. The conduct of competitive examinations, interviews, and the announcement of the results is the responsibility of the Commissions.

Services to which Recruitment is made

The Public Service Commissions in India, like the Civil Service Commissions of other countries, do not make recruitment to all posts

and services in the Civil Service. Appointments by the President and Governors as laid down in the Constitution, temporary posts, and other posts and services excluded from the purview of the Commissions by executive regulations, are outside the Commissions' field of recruitment.¹ Except for these, appointments to all other civil posts and services are made on the basis of the selections made by the Commissions. The Union Public Service Commission makes recruitment to the following services and posts: (1)² the two all-India Services—the Indian Administrative and the Police Services; (2) the Central Services—Indian Foreign Services, Indian Audit and Accounts Service, Indian Defence Accounts Service, Indian Railway Accounts Service, Indian Customs and Excise Service, Indian Income-tax Service (Class I), Transportation (Traffic) and Commercial Departments of the Superior Revenue Establishments of Indian Railways, Indian Postal Service (Class I), Military Lands and Cantonment Service (Class I and II) and the Central Secretariat Service (Grade III); (3) the special and professional services and posts of the different Ministries such as Indian Railway Service of Engineers, Central Electrical Engineering Service, Class I and II, Telegraph Engineering Service, Class I, Indian Ordnance Service, Class I, Survey of India, Class I and II, and the Medical Service of the Ministry of Health. In this group may also be included such posts as cadets in the National Defence Academy and the Air Force Academy, and the commissioned ranks in the Indian Navy;³ (4) the Subordinate Services—Central Secretariat Clerical Service, Central Secretariat Stenographers Service and Typists. The State Public Service Commissions likewise recruit to their respective State Services on the basis of a combined competitive examination for some services and special examinations for specialist services. These services are common to the States except in a few cases such as the Fisheries Services of the Bombay, Madras, Kerala and West Bengal States and the Boilers Service and Smoke Nuisance Service of West Bengal. Some of the common services recruitment to which is made by the State Public Service Commissions include (1) State Executive and Subordinate Civil Service, (2) State Judicial (Higher) and Judicial Subordinate Service, (3) State Engineering and Subordinate Engineering Service, (4) State Agricultural and Subordinate Agricultural

1 This is discussed in details in Chapter VI.

2 Recruitment to these services is made on the basis of a combined competitive examination. Officers of the I.A.S. and I.P.S. are all allocated to work under the State Governments which have full control over them except that their pay and conditions of service are reserved to the Central Government and disciplinary action against them requires consultation with the Union Public Service Commission.

3 Recruitment to these posts is made jointly by the Union Public Service Commission and the Services Selection Board.

Service, (5) State Medical and Subordinate Medical Service, (6) State Forest and Subordinate Forest Service, (7) State Educational and Subordinate Educational Service, (8) State Jail and Subordinate Jail Service, (9) State Police and Subordinate Police Service and (10) State Industries and Subordinate Industries Service. The general non-specialist class common to all States is the State Executive Civil Service and Judicial Service, a graduate class which, on the executive side, reaches up to the Indian Administrative Service and the Indian Police Service. In addition to the State Services and State Subordinate Services, the Public Service Commissions recruit candidates in the Ministerial or Clerical Grades in the Secretariat comprising Junior Assistants, Stenographers, Typists and Clerks. In addition to making recruitment to their respective services, the Union, Bihar, Bombay, Madhya Pradesh and West Bengal Public Service Commissions make recruitment to Municipal Corporations, and the Bihar and Mysore Commissions make recruitment of the academic staff of the Patna and Bihar, and Mysore Universities respectively.

Weaknesses in Attraction.

The recruitment process comprises three inter-related stages : attraction, selection and appointment. The first two functions are performed by the Public Service Commissions, and the third, by Government. These three stages are inter-related because, firstly, selection of qualified and able candidates for public services implies the adoption of proper methods for attracting the best candidates from all possible sources ; and secondly, the candidates selected by independent Public Service Commissions must be appointed by the Government if the selection is to have any meaning. In most countries, attraction can be largely explained in terms of such factors as salary, perquisites, and especially prestige. In a country like India where unemployment is wide-spread and where public service possesses a great prestige value, it is generally supposed that the Public Service Commissions do not need to make any special attempts at attracting candidates to public service. The Commissions rely on the advertisements issued through the principal newspapers in the country and, in some cases, publicity to the vacancies is also given through the radio. In addition to this, they send circulars regarding vacancies to different organizations and institutions where suitable candidates are likely to be found. With all these attempts at attraction, it may be questioned whether these methods are adequate to attract as large a number of qualified candidates as possible. Not infrequently, young persons have a picture of a routine career in public service characterized by favouritism and influence—a public service dominated by a bourgeois spirit and which encourages the growth of a slave mentality. Advertisements through the newspapers and sending circulars to the appropriate institutions are not sufficient attraction media ; the prospective entrants into public service

must also have a clear impression of the nature of civil service and the opportunities which a career in civil service can offer. The Public Service Commissions have not so far given any attention to this problem.

In U.S.A., Canada and the United Kingdom, the Civil Service Commissions distribute booklets, pamphlets and other literature specially designed to give the candidates more information about the nature of the civil service work. We may make reference here to such booklets and pamphlets as "Civil Service Careers for College Graduates" and "Steps to Appointment" issued by the Civil Service Commission of Canada, "Federal Career Directory" and "After College What"? by the U.S. Civil Service Commission and "Civil Service Posts for College Graduates" by the U.K. Civil Service Commission. Such literature contains some description of the various civil service jobs and the nature of civil service work and opportunities available to the civil servants. In addition to the distributoin of such literature, the Civil Service Commissioners pay regular visits to the Schools, Colleges, Universities and other institutions and give talks on the various aspects of the civil service career. In the United Kingdom recently a new practice¹ has been started whereby a selected group of undergraduates from nearly all the British Universities regularly spend a week visiting Government Departments. These visits are arranged by the Training and Education Division of the Treasury to enable the young aspirant to civil service to gain some knowledge of the daily life and work of the civil servants. Each student is attached to a Principal Secretary and is allowed to follow and share in his work. This practice, as the Civil Service Commissioners point out, gives the student a clear impression of the nature and high quality of administrative work and dispels their popular misconceptions about civil service.

The Indian Public Service Commissions lag very much behind the Civil Service Commissions of other countries in the methods adopted to attract well-qualified candidates to public service. It is in this context that Dr. Paul Appleby aptly remarks that our "Recruitment is not imaginative or aggressive enough.....and (is) governed too easily by an under-estimate of personnel potentialities in society".² During the last few years the Commissions have been complaining against the increasing deterioration in the quality of recruits selected for the public services. As against this, there is a tendency among well-qualified and competent young people, especially those who

1 *Vide the Annual Report of the U.K. Civil Service Commission for the year 1956-57, p. 15.*

2 *Public Administration : Report of a Survey, Cabinet Secretariat, Government of India, New Delhi, 1953, p. 11.*

possess higher qualifications from foreign universities, to join private concerns owing mainly to the fact that the private concerns offer higher salaries and other better conditions of service than those offered in government service. In the lower grades of public service, the problem of attracting well-qualified candidates does not arise. But in the higher grades of public service which demand maturity, responsibility, judgment and initiative, it is necessary to review the present "unimaginative" practices of attraction followed by the Public Service Commissions.

One of the purposes of a recruiting body is to remove those conditions which limit the recruitment area whenever such limitations are not in the interest of public service. According to the Constitution, recruitment rules are framed by the Government in consultation with the Public Service Commission. Yet a study of the recruitment rules as they stand today show a lack of imaginativeness on the part of both the Governments and Public Service Commissions. One of such rules (for recruitment to State Services) is that candidates residing in the State concerned should be given preference over those residing in other States.¹ Such a rule can have justification only when a particular post requires knowledge of local languages and conditions. Even in such cases, the officers appointed from other States can acquaint themselves with the local conditions and learn the local languages as is the case with officers belonging to the I.A.S. Such a rule unduly narrows down the field of competitive recruitment. Again, there are rules which impose restrictions as to age requirements and experience. Since the merit system is based on quality and ability, rigid requirements of age and experience do not necessarily conform to such a conception. With regard to these requirements some degree of flexibility can result in obtaining better and more qualified candidates. There is also a tendency on the part of Public Service Commissions to conform rigidly to the letter of the recruitment rules. In one State, for instance, the basic educational qualification for the post of Professor (in a Government College) in Zoology was M. Sc. degree in Zoology. A certain candidate who took a B.Sc. degree from one of the Indian Universities and D.Sc. degree in Zoology from the University of London was considered ineligible by the Public Service Commission since he lacked the basic qualification of M. Sc. degree. This is an extreme example of a more general tendency on the part of the Commissions to rigidly and literally apply the recruitment rules, neglecting their substance, which unnecessarily limits the field of recruitment. There are two factors responsible for

Bombay, Assam, Kerala, Madhya Pradesh, Madras, Mysore, Punjab
 * Rajasthan and Uttar Pradesh States have recently amended the r Service Rules in which this restriction has now been removed.

this. The first is that the recruitment rules emanate from the government and although the Public Service Commissions are consulted, the merely advisory character of the Commissions' recommendations encourages in them a negative and unimaginative attitude. And secondly, the Commissions do not want to widen the field of recruitment which could be easily done by challenging some of the recruitment rules proposed by government, presumably because it would entail a large amount of work for the Commissions. Regarding the first, as we have pointed out earlier, the Commissions can apply recruitment rules more imaginatively than what they do at present if they are given the power to frame recruitment rules. The second factor no doubt presents a continuous problem to the Commissions whose personnel consists of not more than three to four members in the States and whose administrative staff is usually inadequate to cope up with the expanding work of recruitment. But restricting the field of recruitment is not a solution to the problem. Perhaps with the expansion of the Commissions' personnel and the administrative staff and the delegation of their work to selection bodies at lower levels (with one of the members of the Commission), it should be possible for the Commissions to overcome this difficulty.

In a parliamentary government one of the most persistent problems is to eliminate political patronage in the selection and appointment of public servants. In the absence of a sound and effective public opinion such a government is subject to the temptation of encouraging the 'spoils system' and using its patronage for purpose of even strengthening its position which would mean the very negation of democracy. Equally important in a parliamentary government is the problem of maintaining and strengthening a permanent career service to serve a changing cabinet—a body of impartial and able civil servants as a technical instrument which different governments may use to realize their objectives. As Northcote and Trevelyan pointed out in their famous Report, "It may safely be asserted that, as matters now stand, the Government of the country could not be carried on without the aid of an efficient body of permanent officers occupying a position duly subordinate to the Crown and to Parliament, yet possessing sufficient independence, character, ability and experience to be able to advise, assist, and to some extent, influence, those who are from time to time set over them".¹ These two problems are inherent in any parliamentary government. A solution to them was sought in the middle of the last century by England by the adoption of competitive system of recruitment conducted by an independent and impartial Civil Service Commission.

Until 1870 in most countries selection to public offices was governed by considerations of social and political connections. The only exception to this was Prussia where, since the end of the seventeenth century, merit as tested by academic and practical standards was the sole criterion in the selection to public offices. In the seventeenth and the eighteenth centuries, Prussia had developed, to a high degree, "cameralism" or the art and science of government by administrative departments unknown at that time in other countries. The complex administrative and economic processes involved in governmental operations in Prussia necessitated an emphasis on merit as the basis of selecting public servants, although Prussia had not developed an independent machinery like the Civil Service Commission for selecting public servants. Great Britain adopted the competitive system of recruitment in 1870, and later around 1880 it was adopted by the U.S. and Canada.

Macaulay's Principles of Recruitment

It may be recalled here that India was one of the first countries in which the earliest application of the principle of competitive recruitment was made in 1858 when the Civil Service Commission of Great Britain held an open competitive examination for posts in the East India Company's civil service. The chief architect of the competitive system of civil service recruitment was Lord Macaulay who was appointed in 1853 as Chairman of the Committee to inquire into the mode of recruitment to the civil service of the East India Company. The main principles enunciated by the Macaulay Committee¹ have ever since remained the foundation of civil service recruitment in most of the countries although the scheme of examination recommended by that committee had to be adapted to the peculiar conditions of different countries and the new developments in their educational systems. Since the system of recruitment as adopted by the British Government for India and our present system of recruitment is mainly based on the assumptions and principles of Macaulay, it is appropriate to state briefly those principles here. The first of these principles was that of open competition. In twentieth-century terms this principle may be said to represent a solution to the problem of democracy and the need for good administration; open competition combines equality of opportunity and selection on the basis of merit. The second principle underlying Macaulay's reforms was that the civil servants must be selected at an early age. One reason for this was that it was during this formative period that a

¹ Most of these principles were also suggested by Northcote and Trevelyan in their *Report on the Home Civil Service* in 1853.

young recruit can learn the art of administration and receive proper orientation for a career service. The other reason was based on his contention that "men who distinguished themselves in their youth above their contemporaries almost always keep to the end of their lives the start which they have gained."¹ Another principle enunciated by Macaulay was that selection in public service should not require, on the part of candidates, any technical or specialised preparation. The study of any subject however remote it may be from the work to be done which enriches the mind and sharpens the critical faculty can be considered as suitable for civil service work. As Macaulay himself argued, "men who have been engaged upto one and two and twenty, in studies which have no immediate connection with the business of any profession, and the effect of which is to open to invigorate and to enrich the mind, will generally be found, in the business of every profession, superior to men who have, at eighteen or nineteen, devoted themselves to the special studies of their calling"². Macaulay was so much convinced of his preference of superior mind over specialised information that he even went to the extent of suggesting Cherokee or Iroquois as subjects for the competitive examination. Finally, Macaulay advocated that the intellectual test can be regarded as the best moral test also. "Indeed" he said "early superiority in literature and science generally indicates the existence of some qualities which are securities against vice, industry, self-denial a taste for pleasures not sensual, a laudable desire for honorable distinction, a still more laudable desire to obtain the approbation of friends and relations"³. Although this last principle may be said to have had validity in Macaulay's times, the current trends in education do not support it. Dr. Herman Finer in this connection aptly remarks that it raises, but does not dispose altogether of the problem of moral character in the public service and the devices by which it may be discovered before the entrant has been inducted into office.

The principles advocated by Macaulay have, in the main, not lost their validity even after the lapse of a century and still stand as the foundation of civil service recruitment in the United Kingdom, India, Australia and the other Commonwealth countries. Are these principles still sound for purposes of the developing states of today? We propose to examine some of these principles in the pages that follow in the relevant places.

1. Quoted by Dr. Herman Finer in *The Theory and Practice of Modern Government*, London, 1956, p. 762.
2. *Ibid.*, pp. 763-64.
3. *Ibid.*, p. 764.

(B) AGE AT ENTRY

Broadly, there are two modes of recruitment to civil service from the point of view of age requirements for entry into civil service. The one is represented by the British system according to which entry into civil service is restricted to certain age-limits during the early period of the candidates' career. For the Administrative Class, the candidates must be between the ages of 20½ and 24 years; for Executive Class, between 17½ and 19 years; and for Clerical Class between 16 and 18 years. There are also limited competitions, in substitution for normal promotion, for the Executive and Clerical classes for candidates between the ages of 21 to 28 years and for the lower (manipulative and minor grades) Class for candidates between the ages of 25 and 60 years. In contrast to the British system which is based on Macaulay's principles, the American system does not give much importance to the problem of age at entry into civil service. According to the American practice, candidates of quite advanced age—upto thirty-five or forty years—can be and are recruited for civil service posts. For example, for the U.S. Federal Service Entrance Examination, the minimum age requirement is 18 years, no maximum age-limits being prescribed for it. A candidate must have completed a full four year course leading to a Bachelor's degree, or he must possess three years' experience in administrative, professional, investigative, technical or other responsible work, or he should possess a time-equivalent combination of education and experience.¹ This means that candidates having more experience are also eligible for competing in the examination. In India, where we have adopted the British method, the age-limits for recruitment to the All-India, Central and State Services are between 21 to 25 years. A certain proportion of posts (about twenty per cent) varying for different services is also filled by promotion of established civil servants in the lower grades with five to ten years' experience. Thus, in the case of the British and Indian system of recruitment, the emphasis is on recruitment of civil servants at lower ages; whereas the American system emphasizes recruitment of persons with experience. The British and the Indian system is based on the conception of a "career service" where a person may rise from lower to higher ranks as he obtains more experience and devote a life-long career to the service of the State; the American system tends to regard civil service as unstable service consisting of discrete positions to be filled on the basis of technical qualifications for particular positions.

1. These requirements are for G.S. Grade 5. For G.S. Grades 6 and 7, the requirements are lower. *Vide Supplement to Civil Service Announcement No. 25 (Revised) for the Federal Service Entrance Examination*, U.S. Government Printing Office, Washington.

In favour of the American approach it may be said that it favours the idea that the opportunity to enter the civil service should not be restricted to candidates within particular age limits, but it should be open to anyone who has necessary experience or who possesses the required educational qualifications. Secondly, as Dr. Finer points out, it encourages specific contribution to specific type of work since candidates are selected strictly in accordance with job requirements. The third advantage claimed for the American approach is that by keeping civil service open to people belonging to different professions, it brings some freshness of outlook in the civil service. But with all these advantages, it may be questioned whether the American approach has been able to secure an efficient and competent civil service. Does not the emphasis on experience mean emphasis on a mechanical and quantitative conception of ability? In his penetrating analysis of the American method of recruitment, Lucius Wilmerding rightly observes¹ that the American system welcomes a third-rate statistician but keeps away a first-rate mathematician. There is another problem involved in allowing liberal age-limits for recruitment in the United States. Higher age-limits result in inadequate experience in a particular agency which hampers Government in finding competent persons to man the most important positions in the hierarchy since such persons reach superannuation before their experience can fit them for higher positions. In the administrative, as distinct from technical or specialized, agencies, the Government cannot fill higher positions except from within. But this becomes more difficult in view of the liberal age-limits prescribed for recruitment. Dr. Finer is justified in his criticism of the American system when he says that ".....it lets in men who soon get out ; without a comprehension of their relationship to the whole administrative apparatus and the President and to Congress ; without a permanent interest in the service It is one of the chief factors making it impossible in the United States for federal service to be a "profession" of civil service".²

The British and Indian system of recruitment is based on the principle that people should come into civil service at an age when their minds are flexible. The civil service has a character and methods of its own and its successful operation demands from the people who man it to be attuned to its special spirit and methods which is possible only when the candidates are recruited at an early age. Secondly, in order to render the best service to the State, the civil servant has to comprehend not only "the subtle factors involved (in administration) and the laws and practice" but also have to attain "control over their

¹ *Government by Merit*, New York—London, 1935. p. 86.

² *Theory and Practice of Modern Government*, op. cit., p. 786.

passions in the interests of impartiality". This can result only from a life-long devotion to public service.

(C) LATERAL RECRUITMENT : ARGUMENTS FOR AND AGAINST

But, the critics point out, this assurance of a career service may result into civil servants lacking in dynamism and freshness. The dynamic relationship between the Government and the people involved in the development and welfare administration of the modern State requires civil servants who possess freshness, vigour and imagination which, it is asserted with some justification, are lost if recruitment is confined to only one source and at a uniform age. No doubt, promotion of experienced personnel from the lower grades does bring in some change of outlook, but the problem remains much the same. The British and the Indian solution to this problem is to recruit for the higher services people with higher levels of educational and cultural attainments, that is, by the method of over-age recruitment. The purpose of over-age or lateral recruitment (meant for people in the age-zone of 30 to 40 years) is to bring into the public services persons who have distinguished themselves in other walks of life such as industry, engineering and the teaching fields, so that their varied experience, education and cultural background may give a freshness of outlook to the administration. In India such lateral recruitment was made to the Indian Administrative Service in 1948 and 1956.

In a recent seminar held by the Indian Institute of Public Administration¹ one of the participants criticised the practice of lateral recruitment by saying that it involved the danger that persons who had proved failures in other walks of life would flock to the services. Another participant in the seminar observed that lateral recruitment would not succeed in obtaining persons with talents and habits essential for administrative work, and that it was likely to degenerate into patronage. These criticisms appear to us to possess little substance. In the first place, one fails to understand how there can be patronage or the selection of persons who have failed in other spheres when the selection is to be made by an independent Public Service Commission. On the contrary, in lateral recruitment, the practice of the Commission is to apply higher standards of recruitment than those applied in normal recruitment. Secondly, the art of managing men which is the essence of administration is not the special preserve of those who work in governmental administration ; it can be learnt in non-governmental organizations also. For instance, there are able men on the University Faculties or in various industries who could prove to be

1 *Proceedings of the Seminar on Recruitment and Training for Public Service*, March 3, 1957, pp. 21-22.

able administrators with some further training. And thirdly, the criticisms cited above are not based on a proper appreciation of the purpose of lateral recruitment. Its purpose is not to do away with the principle of 'career service'. Career service is to be the foundation of recruitment. What lateral recruitment seeks to do is "to make room for minds and characters nurtured in different social experience" and thus to broaden the base of administration. It balances the stereotyped outlook of those who are devoted to a life-long career in public service with the experience and outlook of people from the other professions.

(D) POSITION IN REGARD TO RECRUITMENT IN INDIA

There are two methods of recruitment followed by the Indian Public Service Commissions. The first is called *Recruitment by Competitive Examination* which is based on a written examination with an interview. For example, recruitment to the two All-India Services, the Central Services (Class I and II) and the State Services (Class I and II), is made on the basis of competitive written examinations and interviews. For lower posts like those of clerks, typists and stenographers, written examinations and performance tests are given; generally the candidates for these posts are not interviewed. The second method of recruitment followed by the Public Service Commissions in India is called *Direct Recruitment by Interview*. There is a large number of posts such as those of engineers, teachers, doctors and certain technical posts in administrative departments for which more or less ready-made personnel has to be obtained for undertaking the duties immediately after appointment and which cannot be filled by promoting persons already in any organised services. Recruitment to such posts is made by the method of competitive interviews only.

The Union Public Service Commissions conduct some 25 competitive examinations a year. The most important of these is the combined competitive examination for recruitment to the Indian Administrative, Police, Foreign and other Central Services. It is a continuation of the old Indian Civil Service competition and is still similar to the competitive examination for the Administrative Class in the United Kingdom. Competition for the I.A.S. and I.F.S. is open to any one¹ who has a degree in Arts, Science, Commerce, Agriculture or in Civil, Mechanical or Electrical (including Tele-Communications)

Women candidates are allowed only under certain conditions. For I.A.S. and I.P.S., a candidate must be a citizen of India. For other Services, a candidate must be (i) a citizen of India, or (ii) a subject of Sikkim, or (iii) a person who has migrated from areas which now form Pakistan with the intention of settling in India, or (iv) a subject of Nepal or of a Portuguese or a former French possession in India.

Engineering or the LL.B. degree of certain Universities. For I.P.S., a candidate must have a degree or must have passed the Cambridge Higher School Certificate examination. For the remaining Services, a candidate must hold a degree except in the case of Transportation (Traffic) and Commercial Departments of the Superior Revenue Establishments of Indian Railways for which a candidate who does not hold a degree but who has passed the prescribed examination of the Indian Institute of Engineers or who holds the Associateship of the Indian Institute of Science, is also allowed to compete for the examination.

The general scheme of the I.A.S. and Allied Services Examination is as follows :—

<i>Part I :—Compulsory Papers :</i>	(a) English Essay	— 150 marks
	(b) General English	— 150 marks
	(c) General Knowledge	— 150 marks
	Total	— 450 marks

Part II :—Optional Papers : Two subjects to be selected for the I.P.S. and three for others out of 26 optional subjects, each carrying 200 marks, and covering practically all subjects taught at the Universities.

Total No. of Marks for the I.P.S.	— 400
Total No. of Marks for other Services.	— 600

Part III :—Additional Subjects for the I.A.S. and I.F.S. only : Two subjects to be selected from a list of fifteen additional subjects (most of which are common to the optional papers), each carrying 200 marks. The additional papers of only those candidates for those Services are examined who attain a certain qualifying standard at the written examination in all other subjects.

Total No. of Marks for I.A.S. and I.F.S.	— 400
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Part IV :—Personality Test :

Total No. of Marks for I.A.S. and I.F.S.	— 400
Total No. of Marks for all other Services.	— 300

Age-limits and Qualifying Standards

The age-limits for the I.P.S. are 20 to 24 years* and for all other services, 21 to 24 years. The upper age-limits for all these Services are relaxable for candidates belonging to the Scheduled Castes or

Tribes or if a candidate is a *bona fide* displaced person from Pakistan or the unliberated areas of Jammu and Kashmir or if he is a resident of the former French settlements and has received his education through the medium of French. In the case of the Indian Audit and Accounts and other Accounts and allied services (i.e. Indian Income-tax Service, Class I, Indian Defence Accounts Service, Indian Railway Accounts Service and Indian Customs and Excise Service), the Indian Postal Service, Class I, and the Central Secretariat Service, Government servants within the age-limit of 24-27 years who either hold substantively a permanent appointment or have been in continuous service for at least two years in the respective departments, are also allowed to compete in the examinations for recruitment to these Services. Their upper age-limit is relaxable in the same way as above.

Similarly the State Public Service Commissions recruit to the State Services Class I and II on the basis of competitive written examinations with interview. In this regard, however, practices differ from Commission to Commission. The Madhya Pradesh and Mysore Public Service Commissions, for example, do not hold competitive written examinations for recruitment to any of the services.¹ The candidates are selected only by the method of interview. The other State Public Service Commissions hold competitive examinations generally for the State Administrative, Police, Judicial and Accounts Services, and for other services which vary from State to State. The Bombay Public Service Commission, for example, holds separate competitive examinations for recruitment to the Bombay Service of Engineers, Class I and II and to the State Subordinate Executive Service. The Uttar Pradesh Public Service Commission holds a combined competitive examination for the U.P. Civil (Executive), Police and Accounts Services, and separate examinations for U.P. Civil (Judicial) Service, Subordinate Revenue Executive Service, Forest Rangers' Course, Superior Forest Service Course and the Subordinate Local Fund Audit Service. The Orissa and Bihar Public Service Commissions hold combined competitive examinations for the Orissa Administrative, Finance and Police Services and the Bihar Civil Service (Executive Branch) and the Bihar Junior Civil Service, respectively. All other Commissions likewise hold combined competitive examinations for some Class I and II Services and separate examinations for others services.

The minimum educational qualification prescribed for the State and State Subordinate Service is a degree in Arts, Science, Commerce or Agriculture, and the standard of the written examinations therefor

1 This and other practices discussed in this section relate to the period upto 1960 only.

is that of an honours degree examination of an Indian University. In most of the States, the candidates placed higher in the list of successful candidates are assigned to the higher (Class I) Services and those lower in the list to the lower (Class II or Subordinate) Services. In the Madras and Andhra Commissions, however, the practice followed in this regard is different. In these States the competitive examination for recruitment to Group I (State higher services) and Group II (State subordinate services) are separate and are based on the B.A. (Hons.) and B.A. standard, respectively. The age-limits prescribed for recruitment to the State Services are usually 21 to 25 years the upper age-limit of which is relaxable for candidates belonging to the Scheduled Castes and Tribes, displaced persons from Pakistan and political sufferers. Temporary government servants who are within the age-limits of 21 to 25 years are also eligible to appear in the competitive examinations, but those who are confirmed in Government service or those who hold appointments on probation against a substantive vacancy in permanent posts are not allowed to compete.

Again, there are differences in the qualifying standards prescribed for the written examination for recruitment to the State Services. The Bombay Public Service Commission has prescribed 35 per cent marks for Backward class candidates and 55 per cent marks for other candidates which is similar to the standard prescribed by the Union Public Service Commission. The Bihar Public Service Commission has fixed the qualifying standard at 35 per cent and 45 per cent for the Backward Class candidates and other candidates, respectively for the Bihar Civil Service (Executive Branch), while for the Bihar Junior Civil Service the qualifying marks are 30 and 40 per cent. The Madras Public Service Commission has prescribed 35 per cent and 40 per cent marks for Backward Class candidates and other candidates, respectively for State Services, Group I; whereas for Group II and III Services they are 30 per cent marks. Candidates belonging to the Backward Classes who secure less than 30 per cent marks are also called by the Commission for interview. In Orissa, the qualifying marks in the written examination are 40 per cent for all candidates.

These disparities in the qualifying standard fixed for the written examinations in the various States are perhaps an expression of the varying educational standards prevailing in those States. However, the point to be noted here is that no Commission has prescribed less than 40 per cent marks as the qualifying standard except for candidates belonging to the backward classes. The question whether qualifying marks for the written examination should be raised or lowered depends upon the qualities which can be assessed by such an examination and upon the general educational standards of the candidates. The purpose of a written examination is to assess the candidates' powers of analysis, reasoning and expression on paper—qualities which are essential for the public servants. But, as one Public Service Commission

pointed out, in the majority of cases, the written examination only tests the candidates' capacity to memorise book knowledge. Despite this, since no other alternative is possible, the attainment of a minimum standard in the written examination has to be prescribed ; at the same time it should not be so high (as is prescribed by the U.P.S.C. and the Bombay Public Service Commission) as to keep away the candidates with moderate intellectual proficiency who, if given a chance, can do very well in the interview.

(E) IS THE UNIVERSITY DEGREE NECESSARY FOR ENTRY IN PUBLIC SERVICE ?

Broadly speaking, a university degree in Arts, Science, Commerce or Agriculture is an essential qualification for recruitment not only to the Administrative and Executive Services but also to many of the Sub-Executive and higher Clerical Services in India. A basic question which arises here is—is a university degree essential for entry into public service ?

The critics of the present system point out that it is not necessary to insist on a University degree as the knowledge and intellectual equipment of the candidates are tested by the competitive written examinations.¹ Insistence on a university degree, they say, is superfluous. Not only is it superfluous, but it also leads to over-crowding in the universities—a factor which is considerably responsible for the deterioration of the educational standards in the universities. Arguing his case against the insistence on a university degree for recruitment to public services, the late Prof. Sidhanta, in the course of a Seminar held by the Indian Institute of Public Administration, said that, “when the written competitive examination was supplemented by a personality test, the insistence upon the degree was uncalled for. The standard of the competitive examinations was, for all practical purposes, that of Honours degree or of Master's degree ; and a simple B.A. degree in no way placed its holder in any advantageous position. Past experience has revealed that under-graduates at many a time showed better performance than graduates”. On this ground, Late Prof. Sidhanta who was also a member of the Public Services (Qualifications for Recruitment) Committee, in a note of dissent in the Report of the Committee, took the view that there was no justification for insisting on a university degree as a pre-requisite qualification for entrance to any

Among others, this view was expressed by late Prof. N.K. Sidhanta, Ex-Member of the U.P.S.C. and by Shri Abdul Haq, Chairman of the Madras Commission, in a Seminar held by the Indian Institute of Public Administration. *Vide Proceedings of the Seminar held on March 3, 1957. op. cit.*

non-technical public services or posts. A careful examination of this view reveals that it is based on three fallacious assumptions. Firstly, it assumes that one man is as good as the other, that a person who has had education, say upto the matric standard, is as able to undertake official responsibilities as one who has gone through the 'mill' of the University and consequently who has attained a higher standard of intellectual proficiency. The advocates of the above view are, however, not prepared to accept this position. Secondly, the underlying assumption of this view is that certain other antecedents and qualifications should count more than a university degree in recruitment to public services. A person, for instance, who has rendered political services or who has done some social work may be regarded as having greater aptitude for governmental work than one who has devoted four or six years in a university in disciplining his mind. It may be granted that intellectual qualities can also be cultivated outside the universities. But this does not provide a guarantee that all such persons will have cultivated sound intellectual qualities. Is it better then to be without a guarantee? Thirdly, this view assumes that the universities have no role to play in the making of the future administrators. This is again an unwarranted assumption. Universities not only provide training of the mind through the study of various subjects, through discussions and debates, but also provide scope for the development of personality. No doubt university education in India today is not what it should be, but it would be wrong to say that it provides no opportunities for training the intellect and developing the personality of the students. With all their blemishes, they do provide opportunities for developing maturity of outlook and interests and intellectual training which are essential for public servants.

It is doubtful whether the abolition of the degree requirement would have the effect of preventing over-crowding at the universities claimed by its advocates. If we want to prevent overcrowding in the universities, the best way in which this can be done is by tightening up the standards of admission to the universities rather than by the abolition of the degree requirement. If the latter course is followed it will make the situation worse than it is. When the standard of the competitive examinations is to be equivalent to the Honours standard of the universities, the prospective candidates would still continue to flock to the universities where alone they can expect to come up to the standard, and yet they would feel that a university degree is not essential for entry into public service. This psychological atmosphere would add to the deterioration of university standards. The abolition of the degree requirement would lead to another major problem. It will mean a very large increase in the number of candidates taking competitive examinations. In 1958, about 9000 candidates appeared in the I.A.S. and Allied Services Examination. A further increase in their number would not only be unmanageable but would also make it difficult to maintain uniform standards in evaluat-

ing answers of candidates with different backgrounds, education and standards. Even in the existing situation, as Mr.C.J. Hayes points out, the Commission would like to require a higher qualification for admission to the competitive examination such as a second class Honours degree,¹ but cannot do so until university standards are brought closer together.

It would thus appear that nothing would be gained by abolishing the degree requirement for higher public services. The higher administrative and executive services require intellectual ability, maturity of outlook and cultural standard which, by and large, can be expected of Honours graduates. The qualities which higher public servants should possess were expressed admirably by the Association of First Division Civil Servants in England in its evidence before the Tomlin Commission in 1930. The Association said :“.....the efficient performance of the administrative work of the various Departments calls in all cases for a *trained mental equipment of a high order, while in the particular case powers developed in some particular direction are needed. In some spheres what is most wanted is judgment, savoir-faire, insight and fair-mindedness ; in others, an intellectual equipment capable of the ready mastery of complex and abstruse problems in, for instance, taxation or other economic subjects, imagination and constructive ability*”.² It appears proper, therefore, that candidates for the higher services must have an Honours degree as is the case with regard to the Administrative Class in England. For the subordinate administrative and executive services, the higher posts may be filled on the basis of the Bachelor's pass degree, and the lower posts on the basis of the Intermediate standard. The candidates possessing an Honours degree may also be allowed to compete for these services but such candidates, if they also show a correspondingly high standard in the competitive examination, should be placed higher in the promotion lists. Finally, the examination for recruitment to the Clerical Services should be equivalent to the matriculation standard as is the current practice. The scheme which we have outlined here would possess the merit of integrating the three major levels of public service with the corresponding educational levels in the country. Such a conscious integration of the public service with the educational system is one of the chief merits of the civil service system of the U.K., Canada and Australia. In the U.K., for instance, examination for recruitment to the three major classes of the Civil Service—Administrative, Executive and Clerical Classes are based on the Honours degree, full

1 *Report on The Public Service Commissions of British Commonwealth Countries. op. cit.*, p. 157.

2 Quoted by Herman Finer in *The Theory and Practice of Modern Government, op. cit.*, pp. 769-770, (Italics ours).

Secondary School and the intermediate Secondary School standards, respectively. There are weighty reasons for such a close correspondence between the public service and the educational system. In the first place, the students who complete their studies have a regular expectation to enter the public service without making any special preparation for it. This system also provides a regular supply of young men and women to the public service. The second benefit of such a system is that it places more responsibility on the Universities and Schools in producing men and women of high intellectual abilities and calibre. Ultimately the public service would have no higher intellectual and moral standards than those prevailing in the Universities and Schools. It is, therefore, these institutions which have the primary responsibility for cultivating the qualities among the students which will be of value to them in their public service career.

In India it is necessary that such an integration be made between the public service and the educational system. The recommendations made by the Public Services (Qualifications for Recruitment) Committee in 1956,¹ referred to earlier, do not contain any proposals for relating the different classes of the public service to suitable educational stages. The committee on this subject merely recommended that a degree requirement is essential at the higher level, that it is not essential at the middle level, and further that it should not be insisted upon for clerical services. It would have been better if the Committee would have gone into this question also. The problem, no doubt, becomes quite complicated due to the unemployment problem in the country and the falling standards of education. While these problems await urgent solution, attempts should be made to relate entry into public service to the definite stages of education.

(F) COMPETITIVE WRITTEN EXAMINATIONS : THEIR NATURE AND CONTENT IN INDIA

The written examinations for recruitment to public services in India consist of two parts: (1) Compulsory Papers consisting of English Essay, General English and General knowledge, and (2) three or more optional papers out of some 25 subjects. The compulsory papers aim at assessing the candidates' capacity for effective thinking, sense of form, lucid and clear expression, and their general knowledge. They may be said to be a sort of equipoise to narrow academic specialization and at the same time to test abilities and interests needed for work in public service. An Arts, Science, Commerce, or Agriculture graduate may know a great deal about his

1 *Vide the Report of the Committee, 1956.*

particular subject of specialization, and yet he may be deficient in effective expression on paper and alertness to matters in general which are valuable qualities in public service. There are a number of cases of first class graduates scoring very high marks in the optional subjects but who are far below the passing standard in the compulsory subjects. The compulsory papers thus act as a check on limited specialization.

The underlying principle of the optional subjects in the scheme of competitive written examination is the same as the British principle. They attempt to find out the intellectual equipment and attainments of the candidates—their power of reasoning and analysis and depth of thought, in whatever subjects the candidates may choose to offer in the competition. The optional subjects prescribed for the I.A.S. and Allied Services and the State Services are more or less the same and cover practically most of the subjects which are taught in the Universities and Colleges in India. Candidates have to offer subjects in such a way that they would select two subjects from their field of specialization (or they may select separate subjects) and one other subject. For instance, of the Law subjects—International Law, Law and Mercantile law—or of the History subjects—Indian History, British History and World History, candidates may select any two from either. There are, however, many other subjects which could be included in the list of optional subjects so as to give similar scope to the candidates who have specialised in other subjects. For instance, instead of keeping only one paper each for General Economics, Political Science and Philosophy they could be divided into specialised branches on the following lines :—

Economics : (1) General Economics, (2) Industry and Trade, (3) Money, Banking and Public Finance, (4) Indian Economics, and (5) Economic History.

Political Science : (1) Political Theory, (2) History of Political Thought (3) Modern Governments, (4) International Relations, and (5) Public Administration and Local Government.

Philosophy : (1) Metaphysics, (2) Ethics, (3) General Psychology, and (4) Social Psychology.

It would also be necessary to include Sociology and Anthropology in the optional subjects since these subjects are now being considerably developed in the Indian Universities.

Of late, there has been a progressive deterioration in the intellectual standards of the candidates appearing in the competitive examinations. The Union Public Service Commission thus points out that "A written test no doubt is some evidence of the intellectual development of the candidates but with the widely acknowledged deterioration in the standard of our university degrees, it has become, in many cases, more an evidence of the power to memorise book

knowledge than of genuine mental qualities".¹ To counteract this failure of the written examination to assess 'genuine mental qualities', the U.P.S.C. has since 1953 introduced some advanced papers for candidates who wish to compete for the I.A.S. and I.F.S. These candidates have to offer any two advanced papers in addition to optional papers, the standard of which corresponds to the M.A. standard of an Indian University. It will be conceded that these services require maturity, a critical attitude and a capacity for handling complicated details which the optional papers do not reveal. Persons who are to man these services "may not know all about everything but who are capable of learning almost anything"² and the device of advanced papers should enable the Public Service Commission to test this ability.

The question-papers for the competitive examinations are drawn and the answers evaluated by distinguished Professors from Indian Universities and other academic institutions. Although the questions asked demand a critical grasp of the subject by the candidates, they lack the high critical quality which characterises the British Administrative Class examination. We reproduce below some of the typical questions set in Political Science in the competitive examinations in India and England during the last few years :

INDIA : I.A.S. and Allied Services Examination³ :—

- (i) Examine critically the arguments of Aristotle for Polity as the best of all practicable governments.
- (ii) What did Karl Marx mean by saying that in his theory of dialectics he was placing Hegel 'right side up' ?
- (iii) Discuss the view that "Democracy is an unscientific dogma."
- (iv) The Supreme Court of the United State of America is called the protector and guardian of its constitution. How far can this claim be justified ?
- (v) Discuss the nature, constitution and functions of the Swiss Executive.
- (vi) Discuss the position and powers of the President in the Constitution of India.

1 *Annual Report* of the U.P.S.C. for 1950-51, p. 5.

2 Sir James Grigg in his paper on "British Civil Service" in the Princeton Bicentennial Volume on *The Public Service and University Education*, (Edited by J.E. McLean), 1949, p. 152.

3 *Vide the Pamphlets*, Part I, from 1951 to 1956, Government of India Press, New Delhi.

- (vii) "Culturally a federal state, but politically and economically a highly centralized State". How far is this a correct description of the Soviet State system ?
- (viii) "Bureaucracy thrives under the cloak of ministerial responsibility" (Ramsay Muir). In the light of this statement describe the influence of the civil service on legislation, administration and finance in England.

ENGLAND : *Administrative Class Examination.*¹

Political Theory :

- (i) How are Plato's political ideas related to his theory of human nature ?
- (ii) How was medieval political theory affected by the conception of sin ?
- (iii) How far does democracy involve government by consent ?
- (iv) To what extent are the Marxian notions of class and class interest useful to the social scientist ?
- (v) How far do the political theories of Lenin and Stalin differ from those of Marx ?
- (vi) "The twentieth century has produced no political theory of its own ; it has merely distorted theories inherited from the past". Is this true ? If you think it is, can you explain why ?

Political Organisation :

- (i) How far does the electoral system of this country limit the freedom of the individual elector and place excessive power in the hands of the parties successful at the polls ?
- (ii) Examine the changes in the administrative machinery of this country which have resulted from the development of central planning and control in time of peace.
- (iii) Consider the social and political conditions necessary to the working of free representative government!
- (iv) What did the framers of the constitution of the French Fourth Republic learn from the experience of the Third ?

¹ *Question Papers of the Open Competitive Examination from 1951 to 1956*, H.M.S.O., London.

- (v) Can the 'rule of law' be a reality in a state which has no tribunal analogous to the Supreme Court of the United States ?
- (vi) Compare the nature of bureaucracies of two of the following :—
 - (1) Great Britain, (2) Switzerland, (3) France, (4) Germany, before 1939.

It would appear from the above questions that the British examination demands a more critical study than the Indian examination. In Britain, the examination is pitched at an intellectual level which is attainable only by the best honours graduates of the British Universities. In India not only a large number of honours graduates do not come upto the qualifying standard of the written examination but the best of the honours graduates also do not necessarily secure high marks in the competitive examination. This is primarily due to the differing educational methods and systems of the two countries. The British educational system with its tutorials and seminars provides a fundamental training in thought.¹ In India, the University education is not oriented towards providing such training. As a commentator observes, in India "Large number of University students are little more than students in name, shorn of contacts with teachers, without choice of reading or guidance in their studies, and putting their efforts into learning text-books by heart".² In spite of the widespread prevalence of such conditions in the Indian Universities, the standard of the competitive examinations is quite high. The Public Services (Qualifications for Recruitment) Committee to which we referred earlier has, on the subject of recruitment examination in India, suggested that "The questions should deal with the significant phases of the subject and emphasize evaluation and rational thinking. They should compel the candidates to integrate their ideas and draw upon the entire background of their knowledge and also test the candidates' reaction to different circumstances. The questions should also test the mental alertness of the candidates and offer scope for originality of thought and expression".

- 1 Dr. Finer justifiably makes the claim that the higher education in Britain is deeper, more thoughtful, more thorough and more critical and thought-provoking than in any other country. "This education", he observes, "is more full of life's sap than the juridical training that was the feature of the German and Prussian Civil Service. It is broader and more cultural than the French training.... It is deeper and more thoughtful and more human than the usual American zeal for the special sciences, the lack of classical background and excessive disregard of the history of mankind". *Governments of Greater European Powers*, op. cit., p. 128.
- 2 C.J. Hayes : *Report on the Public Service Commissions of British Commonwealth Countries*, op. cit., p. 156.

The standard of the written examination contemplated in the above suggestion would almost correspond with the standard of the Administrative Class examination in the United Kingdom. It is debatable whether raising the standard of competitive examinations without bringing about the necessary changes in our educational system would be justified. The present standard of the competitive examination is pitched to a sufficiently high level relatively to the educational standards and in our view does not call for any modification at present.

In U.S.A.

We may also briefly discuss here the nature of the competitive written examinations adopted in the United States and France. In general, the written tests in the U.S. are what are called objective achievement tests as opposed to the essay type of tests used in the British, Indian, Canadian and Australian competitive examinations. The purpose of these objective tests, as the U.S. Civil Service Commission points out, is "to measure the aptitudes, skills and experience needed to perform acceptably the duties of the position to be filled".¹ In the U.K., India, Canada and Australia and other countries, the purpose of the competitive written examination is to assess the qualities of mind and general outlook with a view to finding out not only the abilities which the candidates possess at present but also their capacity for growth. The American purpose is to find out specific abilities and qualities required for particular jobs with a view to fitting the candidates immediately for their jobs.

In the U.S., different tests are given for different positions such as Accountants and Auditors, Legal Assistants, Chemists, Biologists, Archaeologists, Economists, Physicists, Mathematicians, Psychologists, Social Science Analysts and Statisticians (called Junior Professional Assistants) and various administrative positions in personnel management, production planning, organization and methods examining and communications (called Junior Management Assistants). Recently all these separate tests have been integrated in one Federal Service Entrance Examination on the basis of which appointments are now made to the above positions excepting a few highly technical positions

1. *Specimen Questions from the U.S. Civil Service Examinations*, pamphlet 11, U.S. Civil Service Commission, 1952, p. 1. The Civil Service Act of 1883 is the authority for the "technical" nature of the U.S. Civil Service examinations. Section II of the Act states—"Such examinations shall be practical in their character, and so far as may be, relate to those matters which will fairly test the relative capacity and fitness of the persons examined to discharge the duties of the service into which they seek to be appointed".

such as in engineering, physical science and accounting. The nature of the U.S. Civil Service examination would be clear if we consider the tests which are adopted for the F.S.E.E.* There are three written tests in the examination ; the general abilities test, the administrative problems test and public affairs test, the first lasting for three hours and the last two for two and a half hours each. The general abilities test comprises a test of verbal abilities (vocabulary, English usage and paragraph reading), a test for quantitative reasoning and a test for abstract reasoning. A typical abstract reasoning test would be as follows :

"In each of the two following questions, at the left there is a series of seven letters which follows some definite order or pattern, and at the right there are five sets of two letters each. Look at the letter in the series and determine what the order is ; then from the suggested answers at the right, select the set that gives the next two letters in the series.

- (1) XCXDXEX—(A) FX (B) FG (C) XF (D) EF (E) XG
 (2) ARCSETG—(A) HI (B) HU (C) UJ (D) UI (E) IV."

The administrative problems test is a test of judgment on administrative problems. The questions in this test are based on actual administrative problems and as such, some experience or training in administration enables the candidates to pass this test more easily than those who do not possess such experience. One of the questions asked in this test was :

"The position of an assistant section chief is at present classified two grades lower than that of the section chief (assume that this position is correctly classified) and a request has been made to re-classify it one grade higher. The assistant section chief's answer to which one of the following questions would be most helpful in determining the validity of the request ?

- (A) To whom is the section chief administratively responsible ?
 (B) How long have you been in your present position ?
 (C) How many professional and technical employees do you supervise ?
 (D) What is the highest grade of employees that you supervise ?
 (E) What additional duties do you perform in the absence of the chief ?"

The candidates desiring to enter public service in the U.S. are accustomed to answering the objective type of questions in their school and University education. This is usually cited as a justification for

the adoption of such tests for intellectual examination for recruitment to the U.S. Civil Service. What we object against here is not the form but the content of the examination. The written tests do not call for analysis, depth or integration of ideas. It is evident from the questions reproduced above that answers to them can be arrived at by a process of elimination, and although they do involve some element of reasoning and analysis, they do not assess high intellectual abilities and the capacity for growth. The examination is meant to select persons who are not only suitable for particular jobs but who can also immediately take up the duties of the jobs. This, however, results in the selection of persons who have experience of particular fields but who may not possess capacity for growth. Due to this basic defect in the competitive examination for recruitment to civil service in the U.S., the Commission of Inquiry on Public Service Personnel had suggested as early as in 1935 that "The examination should determine primarily what the candidates are, not what they know about the work for which they are to be trained in the future".¹ Perhaps this need for assessing "what the candidates are" and their capacity for growth may result in some modification in the method of the written competitive tests in the United States.

In France

It is interesting to consider here briefly the French system of recruitment. The French system of recruitment combines in a unique way the British foundation of liberal education with the American emphasis on the study of those subjects which are of practical importance to the civil servants. In France the candidates have to appear in an entrance test for admission to *Ecole Nationale d'Administration* (National School of Public Administration).² The test comprises the following papers :—

- (1) An essay (for 6 hours) bearing on the general evolution of political, economic and social ideas and events since the middle

1 Quoted by Prof. Rowland Egger in his paper on "A Second Views: An American Administrative Class" in *Public Service and University Education*, *op. cit.*, p. 228.

2 The School was established in 1945 with the object of providing training to all higher civil servants. There are two kinds of candidates recruited annually by competitive examination to the School—students and officers in service. Students must hold a degree of higher education (usually M.A.) and must not be over 26 years of age. The officers already in service must have at their credit at least four years of service and must not be below 24 and over 30 years of age. The E.N.A. comprises four Departments :—(1) Department of General Administration, (2) Department of Economics and Financial Administration, (3) Department of Social Administration, and (4) Department of Foreign Affairs.

of the 18th century—this is a paper on *La Culture generale* in its widest sense ;

- (2) An essay (for 4 hours) on the political institutions of the main contemporary states or on the fundamentals of French administrative law ;
- (3) An essay (for 4 hours) on a subject of political economy, i.e. on economic policies ; and
- (4) A translation (for 3 hours) into French of a text in one of the following foreign languages—German, English, Arabic, Spanish, Italian and Russian.

The candidates who are declared successful in the above tests have to write one more paper. This paper of four hours deals with administrative law, financial science and legislation, social economics or the history of international relations, according to the Department of the School to which they seek admission. In addition to this written test, the candidates have to give a test of conversation for twenty minutes and two oral tests of fifteen minutes each on subjects coming under the Departments to which they seek admission. After this final selection, the candidates spend three years in the E.N.A., devoted to further studies and training.

In assessing the relative merits and demerits of the British and the French systems of recruitment, we may sum up our conclusion in the words of Andre Bertrand, Director of Studies at the Ecole Nationale d' Administration. He observes : "Taken as a whole, the various compulsory papers in Britain—Essay, English, Present Day—are devised to test the more general aptitudes of the candidates, their capability to grasp non-specialized subjects, their power of expression and faculty of judgment. They cannot—and obviously are not intended to—prove if these candidates possess the basic knowledge of problems with which a modern administration is confronted every day.....I must confess that I do not believe that very high marks in higher botany, geology or zoology are truly indicative of the candidates aptitude to become a brilliant civil servant in the Treasury, the Board of Trade or the Ministry of Labour. From this point of view, the French regime seems to me better adapted to the true needs of the modern state. But, on the contrary, the British way of testing the candidate *as a whole*, of trying to find out the man and not only his intellectual brilliance deserves the highest praise..... I venture to think that the French system, at the level of recruitment, will have to originate new techniques in order to give more importance to the evaluation of the candidates as a whole. On the other hand, I consider it probable that the British will feel obliged to strike a new balance between 'a liberal education' and the ever-growing importance

of the social sciences in the welfare state and its administration."

(G) GENERALIST VS SPECIALIST RECRUITMENT : ARGUMENTS FOR AND AGAINST

The above discussion of the methods and aims of competitive examinations for recruitment to the civil services in India, the U.K. U.S.A. and France leads us to the question of generalist *versus* specialist recruitment. Should we recruit candidates for the civil service on the basis of general education or on the basis of specialized education and training? In an interesting volume, *The Public Service and University Education* brought out by the Princeton University, these two approaches represented by the British and American systems of recruitment have been ably discussed by eminent civil servants and academic experts. In favour of the British approach, Sir James Grigg pointed out that the object of recruitment in Britain is to get men of general managerial ability and hence it places emphasis on a broad cultural and liberal training at the School and the University, designed to give the candidates power of independent and critical thought, the ability for clear and lucid expression of ideas, and a humanistic attitude. When the candidates have shown evidence of adequate intellectual ability and maturity of personality, whatever may be the particular subjects of their study, they have to learn the art of administration by working in the civil service, and no amount of University courses in personnel administration, financial administration or certain special subjects like law and economics can make them more efficient administrators. On the contrary, Sir James Grigg argues, a subject like law can have a narrow influence on an administrator who requires "a wide general outlook and culture and who is concerned much more with arriving at sensible working arrangements than at the narrow and exact legal truth".¹ Similarly, economics offers an imperfect guide to those who have to act and not to deliberate; the place of an economist is as the advisor to the administrator rather than as the actual administrator. Summing up his argument against specialist recruitment, Sir James Grigg says: "I have always understood that being thrown into water is the best way of learning to swim...And I am convinced that the art of managing men cannot be imparted in schools or university courses or public lectures. Like most of the really important capacities, it can

1. In his paper on "The Recruitment and Training of Higher Civil Servants in the United Kingdom and France" in *The Civil Service in Britain and France*, Edited by W.A. Robson, Hogarth Press, London, 1956, pp. 170—184.
2. *The Public Service and University Education*, op. cit., p. 157.

only be acquired by learning to do it in practice".¹

In contrast with this view, Dr. Paul Appleby, Prof. Gaus and Prof. Egger emphasize specialization in the Social Sciences as it is done for recruitment to the administrative positions in the United States and France. Prof. Egger, for instance, argued that although the art of managing men cannot be imparted by formal instructional methods, the principles and practices involved in the scientific use of the tools of management taught in the University courses can be of considerable help to the prospective civil servants. Since the art of managing men cannot be taught, the conclusion that a general education is the best education for the administrative class is wrong. According to Dr. Paul Appleby, the real question is—how can we prepare young men and women in the Universities *so that they may learn more in practice* ? He admits that in the United States there is a tendency to make courses in Public Administration, Political Science, Economics and Sociology narrowly specialized. These subjects could be profitably made into "a vehicle for general education" which would serve the purpose of giving sound intellectual equipment to the students and also giving them scientific knowledge of the tools of management.²

The British and Indian approach to recruitment on the one hand and the American and French on the other, are based on their differing conceptions as to the type of persons to be recruited for civil service. The British theory is based on the principle that the aim of recruitment is not to recruit an administrative expert but "to discover a mind which for capaciousness and vigour will continually be able to master the technicalities of a job, indeed a succession of jobs, through promotion and transfers." This principle is, no doubt, based on a sound assumption viz., that it is the quality of mind and not the specialized knowledge which is of importance in recruitment to the civil services. After all, it is pointed out that post-entry specialized studies are provided for in such subjects as Economics, Constitution and Public Administration. In India such post-entry education and training are provided at the National Academy of Administration and the Police Training School. However, it can be argued that *during the period of intellectual training*, if the candidates study Public Administration, Political Science and the other Social Sciences, they can derive great benefits from such a study. These subjects provide an opportunity for a grasp of the complex social, political, economic and administrative problems of the modern State which is particularly important in the administration of developing countries. The higher civil

1. *Ibid.*, p. 158.

2. *Ibid.*, pp. 184-185.

servant of today might be truly described, in the phrase used by Andre Bertrand, as "the social scientist in action". Dr. Stockburger aptly observes in this connection that "Administration, although not separate and apart from the activity administered, involves a series of relationships not inherent in what is to be administered, but superimposed upon it. The understanding of the value of these relationships and of the art of utilizing them effectively will be facilitated by a mastery of the principles of public administration and an exploration of the content of the Social Sciences. If the government is to secure for the public service recruits who have the capacity to become satisfactory administrators, our educational institutions must be induced to afford selected candidates an opportunity to acquire a perspective of the relations of governmental operations to the public interest....."¹ A study of the Social Sciences by itself cannot make a good administrator. No doubt administration is an art that has to be learnt by actual practice. But in so far as decision-making is one of the important components of administration, the study of the Social Sciences can provide a useful setting in which a student may learn to arrive at more effective decisions, and which may furnish him with a body of knowledge which can make him intellectually better equipped to deal with administrative problems than one who secures very high marks in subjects like botany, zoology or geology.

Need for Recruiting Candidates with Specialization in Social Sciences

Thus it is evident that the tasks of public servant in the welfare state demand that a proportion of candidates recruited to the higher civil services should be reserved to candidates possessing specialized education in some branch of the Social Sciences. Particularly in the developing states like India where the administration is an agent of modernisation and democratisation, recruitment of some candidates having Social Science background may prove to be very much useful. It would be worth-while for Governments and Public Service Commissions in India to recruit to the higher civil services some ten to twenty per cent of the candidates who possess a post-graduate degree in Political Science, Public Administration, Economics or Sociology or, as Prof. Laski suggested, who have made an original contribution to the Social Sciences.² The candidates with

1 Quoted by Prof. Egger in *Public Service and University Education*, op. cit., p. 224.

2 See his following observation in *Parliamentary Government in England*, (London, 1948, p. 322)—"A strong case could be made for recruiting a number of candidates at the post-graduate stage upon the basis of an original contribution to the Social Sciences, such as a really able doctoral dissertation". Also see Finer, *The Theory and Practice of Modern Government*, op. cit., p. 773.

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post-graduate degree should be subjected to the same competitive tests as for the other candidates but the written test may not be necessary for candidates who have made a contribution in their particular fields such as by writing original papers or doctoral thesis.

CHAPTER IV

RECRUITMENT (CONTINUED)—INTERVIEW

(A) GENERAL

In the last chapter we discussed the principles of recruitment to public services in India and the nature and content of the competitive written examination. As was pointed out there, recruitment to public services in India is made principally by (1) competitive examination comprising written examination and interview, and (2) competitive interviews only. While it is necessary to assess the intellectual qualities of the candidates for important jobs, it is equally essential to assess their personal qualities such as bearing, judgment, alertness in grasping a situation, leadership, ability to cooperate and persuasiveness in presenting a point of view—which is no less important than the former. The latter is done with the help of the interview technique which is adopted in varying ways by all Public Service Commissions. It is the purpose of the present chapter to examine the technique of interview followed by the Indian Public Service Commissions.

The interview in modern selection programmes is considered essential because of the fact that no other satisfactory tests are supposed to have been devised for measuring the mental and moral characteristics which constitute 'personality'. Not only the administrative and the executive posts but also those which call for professional or technical ability are now increasingly filled by competitive interview with or without written examinations. The following figures for the Union Public Service Commission and Bombay and Rajasthan Public Service Commissions show how the number of candidates interviewed by various Public Service Commissions in India every year has been on the increase :—

I. Union Public Service Commission :—

Year	Recruitment by competitive examinations —No. of candi- dates interview- ed.	Recruitment by selection—No. of candidates interviewed.	Total No. of candi- dates in- terviewed.
1959-60	1275	7462	8737
1960-61	1593	7247	8840
1961-62	1621	6894	8515
1962-63	1739	12180	13919
1963-64	1819	12521	14340

II. Bombay Public Service Commission :—

1951-52	—	787	787
1952-53	—	863	863
1953-54	39	508	547
1954-55	80	666	746
1955-56	39	1217	1256
1956-57	63	1674	1733
1958-59	435	1940	2375

III. Rajasthan Public Service Commission :—

1950-51	—	879	879
1951-52	—	1243	1243
1953-54	20	2003	2023
	(approximately)		
1954-55	192	1662	1854
	(approximately)		
1956-57	564	2373	2938
1957-58	391	4569	4960

(Source : *Annual Reports* of the respective Public Service Commissions).

The other State Public Service Commissions have also been making increasing use of interview for the selection of government personnel. When interview occupies such an important place in selection, some of the questions with regard to it which assume importance are : —Is interview a reliable technique of personnel selection? What are its limitations? What are the defects, if any, of the interview method followed by Indian Public Service Commission? What are the sound principles of interview? In what ways can the present interview practices be improved in order that they may succeed in selecting the most competent persons? Before we discuss these questions, we may briefly describe the nature and methods of interview.

(B) NATURE AND METHODS OF INTERVIEW

The interview has been defined as “a conversation with a purpose”. Another writer defines interview as “a purposive and well-directed conversation on topics, of choice, and is an attempt to bring out the experience, the skill and the intelligence of the candidates”.¹

1 A.A.A. Fyzee “On Interviews”, *Indian Journal of Public Administration*, New Delhi, Vol. II, No. 3, pp. 1-2.

According to Anstey and Mercer, the central purpose of the selection interview is "to assess the progress made to date by the candidate in the light of the opportunities available to him and hence to predict the effectiveness with which he will deal with the tasks required of him in a particular job or career".¹ The latter two definitions bring out the meaning and purpose of the selection interview. Interview, thus, may be defined as a purposive conversation designed to assess the candidate's capacities and personality required for a given job.

In order to assess the candidate's capacities and personality, it is necessary to consider him from different aspects. The British National Institute of Industrial Psychology has suggested a comprehensive seven-point plan² for considering the several aspects of the candidate. These aspects are :—

- (1) His knowledge, attainments and experience ;
 - (a) general educational level and academic qualifications, and
 - (b) particular knowledge or skill (including previous occupational experience).
- (2) His general ability (his capacity to learn as distinct from what he has learned).
- (3) Evidence of any special aptitudes.
- (4) His disposition as shown in :
 - (a) effectiveness with other people (i.e. skill in human relations), and
 - (b) effectiveness in work (i.e. energy, drive, thoroughness and care).
- (5) His aims and interests (as shown in his chief sources of satisfaction, his philosophy of life and his standards, objectivity of outlook and the use of leisure).
- (6) His physical capacities in relation to the job (i.e. his appearance, health, speech and physical stamina).
- (7) The opportunities he has had in relation to the use he has made of them.

2. *Interviewing For The Selection of Staff*, Royal Institute of Public Administration, London, 1956, p. 5.

2. Quoted by Anstey and Mercer, (*Ibid.*, pp. 5 and 12-14) from A. Rodger's "Seven Point Plan", Paper No. 1, British Institute of Industrial Psychology, London, 1952.

These seven headings under which candidates may be considered, however, represent an ideal scheme, and it is now recognised that interview cannot perform all the tasks listed above. Indeed, the psychologists who have made a special study of selection methods have, in recent years, developed new techniques of assessment in order that the interview should perform those tasks for which it is the best instrument. Out of the seven headings listed above, knowledge and ability can be assessed more effectively by written or practical tests and by a consideration of the past record of the candidate. Similarly interview cannot measure special aptitudes such as those involving intellectual, mechanical or manual skill. This can be left to the written or practical tests devised for the purpose. Physical capacities also cannot be assessed in interview although it makes possible the assessment of some physical qualities such as appearance, speech, physical stamina and carriage. Disposition and aims are difficult to assess by interview technique, but in the absence of other reliable techniques of selection, they can be assessed through the interview and the examination of the past record of the candidate. Candidates' opportunities and the use they have made of them can be known to some extent from the information given in the applications and the references, but interview may throw much light upon them. Regarding the assessment of certain qualities of mind and character (covered by items 4 and 5 listed above) which constitute personality, it is now increasingly being recognized that interview does not form a reliable basis. Thus it may be deduced from these general considerations that interview does not enable an assessment to be made of all the aspects of the candidates. A general principle which emerges from these considerations is that interview should be employed only for the assessment of such traits and qualities for which its reliability has been established and which cannot be assessed by written or practical tests. The reason for this is that the reliability of interview conducted even under the best of conditions tends to be lower than that of a well-designed written or practical test.¹

Two types of interviews are conducted by the Public Service Commissions in India : (1) the 'viva voce' or personality test which forms part of a competitive examination and is preceded by a written examination, and (2) the interview which is combined with a scrutiny of the candidate's qualifications, training and experience. The 'viva voce' or personality test is adopted for recruitment to organised services such as the I.A.S., I.P.S., the Central Services and the State Administrative, Executive and Judicial Services ; the second type of interview is usually followed for *ad hoc* recruitment for posts demand-

1. O. Glenn Stahl, *Public Personnel Administration*, Harper Brothers, New York, 1956, p. 92.

ing technical qualifications and experience such as those of engineers, doctors and teachers. The difference between the two types of interview is that the first aims at assessing the personality traits and qualities of the candidate, whereas in the second, the candidate's ability is mainly judged in terms of his qualifications, training and experience in addition to some weightage being given to personality. Again, the first type of interview may be either qualitative or additive. In the qualitative interview the candidates must attain a certain minimum standard in order to succeed in the competition. The Bombay, Orissa, Rajasthan and West Bengal Public Service Commissions follow this practice.¹ In the additive 'viva voce', there is no qualifying standard. The marks secured in the 'viva voce' test are added to those of the written examination and the candidates are ranked on the basis of the total. This practice is now followed by the Union Public Service Commission and by most other State Public Service Commissions.

Before the interview begins, the members of the Public Commissions and the outside experts have before them copies of the summary of the candidate's educational career, experience, family background and other pertinent information. As soon as the candidate enters, he is welcomed by the Chairman and asked a few formal questions which verify who the candidate is and what he is applying for. Usually the first part of the interview is conducted by the Chairman followed by questioning by some or all of the remaining members and experts. It is the Chairman's task to control the progress of the interview and "to ensure that discussion is orderly and that the views expressed are relevant and contribute to the assessment of the candidate". As the interview proceeds, each interviewer makes brief notes about the candidates and gives his grade or mark on the candidate in the interview form. At the end of each candidate's interview or when a bulk of candidates has been interviewed if their number is small, the interviewers discuss among themselves their grading or mark and usually agree upon a common grading or mark. It is again the Chairman's responsibility to sum up the opinions of the other interviewers and arrive at an agreed view of the candidate's suitability.

Interview for Direct Recruitment

A few illustrations will make clear the nature and method of interview conducted by the Indian Public Service Commissions.

1. The Bombay Public Service Commission has fixed the qualifying standard in the 'viva voce' or personality test at 65 per cent marks for Class I Services, Orissa Public Service Commission, at 30 p.c. for Administrative, Finance and Police Services and Rajasthan Public Service Commission at 50 p.c. for Administrative, Police and Judicial Service and 33 p.c. for such services as the Accounts Service.

First we may consider the second type of interview. A candidate for a Civil Engineer's post who was serving in a dam project was asked the following questions by the different members of a Public Service Commission and experts : Why was the earthen dam selected ? By how much the earthen dam was cheaper ? Is the dam strong enough to withstand high floods from your analysis ? What is the canal discharge ? What type of soil do you meet in the excavation ? What is the difference between an engineer and an architect ? In the case of an engineer, as Mr. Fyze, a former member of the U.P. S.C., observes, the Commission would want to know "what kind of training he has had ; what kind of buildings he has built ; what are his special interests ; whether he is still interested in the use of scientific methods for solving important problems and whether he has surmounted practical difficulties which lie in the path of all engineers".¹ Thus, in such interviews the questions put to the candidates seek to reveal their skill and experience and to supplement their written records.

Personality Test

In the case of the general administrator, different questions assume importance. As the writer quoted above points out, in selecting a general administrator, the Commission would want "to know whether he is a man of clear thinking and is capable of setting his hands to a wide variety of jobs which he may be called upon to perform in later life, and for this purpose, general knowledge and general awareness of things is of the greatest importance".² The personality tests for general administrators are, therefore, designed to assess not the erudition of the candidate but his quality and attitude of mind, judgment, grasp of essentials, zest and leadership. In the personality test for the I.A.S. and Allied Services, some of the questions put to the candidates are : What is your opinion regarding the prohibition policy of the Bombay Government ? Do you think that our stand on Kashmir is correct ? What is your estimate of our Community Development Programme ? Are you satisfied with the priorities given in the Second Five Year Plan ? On questions such as these there is room for great divergence of views, but "what is of importance is the manner in which the young man marshals his facts and produces them and brings you the solution which is in his mind".³

The purpose of the 'viva voce' or personality test, as defined in the Recruitment Rules of most of the State Public Service Commissions, is

1 "On Interviews", *Indian Journal of Public Administration*, op. cit., p. 2.

2 *Ibid.*, p. 2.

3 *Ibid.*, p. 3.

to assess the candidate's suitability for the service concerned and, in particular, to assess his intelligence and alertness, vigour and strength of character, and potential qualities of leadership. The personality tests of the Bombay and Union Commissions aim at an assessment of the candidate's suitability for the service concerned and his calibre, including intellectual, social and moral traits of personality such as critical powers of assimilation, clear and logical exposition, judgment, variety and depth of interest and capacity for leadership. In addition, these tests seek to elucidate how far the candidate has taken an intelligent interest in the things happening within and outside India. The State Commissions constitute their respective Personality Test Boards for conducting the personality tests with two members of the Commission including the Chairman who presides over the Board, the Head of the Department and the Vice-Chancellor of the local University or some other educationist or expert. In the case of the personality tests conducted by the Union Commission, the Personality Test Board consists of the Chairman of the Union Commission who presides over the Board, one more member of the Commission, an educationist of high standing and representatives of the Ministries including one or more senior officers of the Indian Civil Service. The tests of the State Commissions usually last for 20 to 30 minutes for each candidate, while the Union Commission tests last for a little more than half an hour especially for those candidates who show promise in the initial stages of the test. Since 1953, the Union Commission has been following the practice of supplementing the personality test by a debate, for all the services.

When there is selection by interview only (i. e. without a written examination), the Commissions use the interview as a supplement to the record of candidates' career. In such interviews, assessment of the candidates is made on different aspects such as education and qualifications, experience of work and personality. In this respect, however, the various aspects of the candidates assessed and the practices followed for grading them vary from Commission to Commission. The Bombay Commission and the Union Commission, for instance, award marks for educational qualifications, experience of work, and personality and intelligence. The M.P. Commission awards marks for qualifications, and personality which includes intelligence and alertness. Similarly, the Rajasthan Commission considers the academic record, experience, and personality and intelligence; but instead of awarding marks, it rates candidates on a scale of A+, A-, B+, B-, and C+, C-; representing high and low degrees of 'suitable' 'average' and 'unsuitable', respectively.

Outside and Departmental Experts

For conducting these interviews, the Union and State Commissions invite a representative of the Ministry or Department concerned

and usually an outside expert to assist them. Particularly for recruitment to posts requiring technical, scientific or specialized qualifications, the Commissions have been making use, on an increasing scale, of specialists or experts of standing. The State Commissions invite the outside experts from their respective States, usually from the capitals, and the Union Commission, usually from Delhi. With regard to this practice of the State Commissions and the Union Commission, a case can be made out for using the services of experts and specialists from other parts of India. The Union Commission could, for instance, prepare a panel of experts (such as educationists, economists and engineers) on an all-India basis for assisting the Commission in these interviews. Likewise, the State Commissions could invite experts from outside their States if well-qualified experts are not available to them from their own States. It happens sometimes that better experts are available in other States, and it would be helpful to the Commissions to get the assistance of experts of known competence and standing in conducting their interviews.

In these interviews, the members of the Commissions take into account the opinions and advice of the departmental and other experts, but the final decision rests with the members of the Commissions, the departmental heads and outside experts being not entitled to award marks.¹ Here also it may be said that while there may be justification in excluding the departmental heads or experts from awarding marks to the candidates, it would be useful if the outside experts who do not have any previous knowledge about the candidates are allowed to award marks along with members of the Commissions. The Commissions can certainly rely upon the outside experts, if not on the departmental experts who are usually tempted to favour candidates from their own departments, in the interest of good selection. In this connection, Mr.C.J.Hayes, a former Civil Service Commissioner of the U.K., aptly observes that in India "there is not the reservoir of impartial, experienced "elder statesmen" (non-political) who are a source of great strength to the British Civil Service Commission."²

In general it may be observed here that as between the two types of interviews conducted by the Indian Public Service Commissions, the interview without a written examination appears to be more reliable than the 'viva voce' or personality test. The reason for this is that most of the factors to be rated in it can be assessed objectively. The

1 For example, see the proviso to Rule 2 of the *Madras Public Service Commission Rules of Procedure*, dated the 1st January, 1955, and proviso to Rule 3 of the *Bombay Public Service Commission Functions Rules*, dated the 1st April, 1948.

2 *Report on the Public Service Commissions of British Commonwealth Countries*, op. cit., p. 152.

only factor which is unreliable is personality and intelligence the assessment of which may invariably be influenced by the candidate's graceful behaviour and quickness in answering questions. Nor can members of the Commission do anything more than this especially when the time at their disposal is very short. As discussed elsewhere in the chapter, the assessment of personality can be more reliable if it is seen in the context of the candidate's previous career and achievements.

(C) PROBLEMS OF PERSONALITY INTERVIEW AND EVIDENCE AGAINST IT

It is assumed by the advocates of 'viva voce' or personality interviews that one can assess the candidate's alertness, width of interests and intellectual, moral and social traits of personality by asking him "questions on which every young man should have something to say." The U.P.S.C. pointed out in 1951 that a carefully constituted interview board can "size up the trend of the personal qualities of young people even after a conversation of 15 to 20 minutes."¹ In his evidence before the Tomlin Commission in 1929, Mr. Leathes, one of the Civil Service Commissioners of the U.K., said, "My own plan is to *fish about* for a topic in which the candidate is interested ; if I can find something on which he is willing to converse, one thing leads to another, and I firmly believe that you get your best and truest impression of the candidate if once you can get him moving easily in conversation."² Mr. Meikle John who was also a Civil Service Commissioner of the U.K. argued that "you ask him almost anything which occurs to you to find out what his interests are and how he reacts to other people and things."³

Theoretical Problem

Interviews of this kind lend themselves to several difficulties which are left out of account by their supporters. Some of these problems may be noted here. First of all there is the theoretical problem. The assumption that a trait or quality of personality can be discovered at a single interview of a short duration militates against the psychological conception of 'trait' or quality of personality. According to psychology, the concept of trait implies that the trait in

1 *Annual Report for 1950-51*, p. 5.

2 Quoted by R.K. Kelsall, *Higher Civil Servants in Britain*, Routledge and Kegan Paul Ltd., London, 1955, p. 70 (from Tomlin Commission, *Minutes of Evidence*).

3 *Ibid.*, p. 70.

question will be exhibited by a person not only in one particular situation but in a wide range of situations. As Dr. H.J. Eysenck says, "the notion of generality is quite essential to our concept of a trait; a trait is something which is shown in a large number of different situations."¹ An army general may have been brave in the war but he may faint in a dentist's chair. Similarly, a person may reveal alertness, self-confidence and sound judgment in one situation but may not be able to do so in the artificial atmosphere of a short interview. To write him down as lacking in these qualities on that account alone is, therefore, inconsistent with the psychological conception of trait. The argument that a lack of nervous control shown in an interview is in itself a serious defect is based on a confusion between a trait of personality and a specific response to a particular situation. The difficulty with the 'viva voce' test is that it gives the interviewers little claim to say that they discover a particular trait of the candidate in the sense that it is an integral part of his personality capable of being displayed in a variety of relevant situations. It may well be that what interview at best can discover is merely "a specific response to a specific situation."

Incompatibility between Social Experience and Education of the Members and Candidates

The second difficulty of the 'viva voce' test is that the hit-and-miss plan of fishing about for a topic has the danger of prejudicing the chances of a candidate from lower social strata whose interests do not happen to conform to the interviewers' ideas of "questions on which every young man should have something to say." Such a candidate's inability to answer the first few questions would convey the impression that he lacked alertness and width of interests for which marks are awarded. This problem of the incompatibility of the interests of the members of the Commission's interview board and those of the candidates coming from lower social strata, resulting in their unfair assessment, has been ably discussed by R.K. Kelsall.² Kelsall's finding on this subject is that the members of the Commission's interview boards are chosen from a narrow social circle which brings by the back-door the same evil which it was the purpose of the competitive system of recruitment to remove. It is as though the competitive examination might admit those who are not *personae gratae* in the civil service and that to counteract this, some other test of the social adequacy of the candidates had become essential.

1. *Sense and Nonsense in Psychology*, Penguin Books Ltd., London, 1957, pp. 207-208.
2. *Vide*, his *Higher Civil Servants in Britain*, op. cit., pp. 71-75.

Test of Superficial Characteristics

Thus, the 'viva voce' test can easily become a test of the candidates' superficial characteristics like manners and social graces. The hit-and-miss plan of the interview and the short time at the disposal of the interviewers can hardly enable them to make deeper probings into the candidates' traits. In such interviews, as *Finer* puts it, "a 'nice' boy, with engaging manners and a pleasant accent, has a much better chance of having his relevant qualities assessed excessively than the rough diamond has of securing arithmetical justice."¹ What such tests then enable the interviewers to find out is "merely whether or not a candidate has had the benefits of a relatively expensive upbringing."² Even granting that the Commissions have evolved a technique to guard against this danger, it is difficult to explain the cases of candidates who get 15 per cent marks in the 'viva voce' test in the first year of taking the competitive examinations and who secure more than 80 per cent marks in the next attempt.³ There must be something very seriously wrong with such a system or 'viva voce' tests unless it can be shown that a candidate's qualities of mind and character are capable of undergoing radical changes in the course of one year. The above reasoning leads us to the conclusion that in these 'viva voce' tests either superficial characteristics of the candidates are assessed or that there is considerable chance element in them.

A more serious reflection on the system of 'viva voce' tests is cast by the investigations conducted into such tests by the International Institute Examinations Enquiry Committee in Britain in 1934.⁴ This body conducted 'viva voce' tests on the same lines as were employed in the examinations for the Administrative Class in Britain. Great care was taken to secure candidates who were of the same age and who had received the same training as the candidates for the civil service competition of that year. The members of the interview boards were persons of experience, used to conducting these tests in the civil service, and they conducted the interviews as nearly as possible on the lines of the interviews conducted by the British Civil service Commission. Each of the sixteen candidates was seen by two Boards, each having to award maximum marks upto 300; each

1. *Theory and Practice of Modern Government*, vol. 1, p. 779.

2. Editorial, *The Times of India*, dated 20th August, 1957.

3. This example was cited by the late Mr. G.B. Pant, Minister for Home Affairs, Government of India, in his inaugural address to the Indian Institute of Public Administration, New Delhi, published in *Recruitment and Training for Public Services*, April 6-7, 1957, I.I.P.A., p. 9.

4. The findings of this Enquiry were published in *An Examination of Examinations*, London, 1936, by Sir Phillip Hartog and E.C. Rhodes.

candidate was given marks by individual members of the Boards as well as collectively by each of the Boards. The Enquiry body discovered that for the same candidate but by different Boards, differences of as many as 92 and 70 marks were shown in extreme cases with the average difference of 20 per cent marks. For example, Boards I and II gave to candidate 1, 100, 120, 130, 150, 150; and 190, 210, 210, 240 marks, respectively. Again, the different examiners of Board I gave to candidate number 16, 100, 160, 180, 180, and 240 marks; they gave to candidate number 4, 170, 210, 220, 240 and 280 marks. The examiners of Board II gave the candidate number, 9, 165, 250 and 270 marks. Similarly, there were wide differences in the marks given to the candidates collectively by Boards I and II. Candidates 1, 2 and 6 were given 120, 260 and 280 marks respectively by Board I collectively; whereas Board II gave the same candidates 212, 190 and 250 marks respectively.¹ Regarding these differences of marks between the two Boards and among the members of the same Board, the Enquiry Committee commented: "These extreme differences point to the unreliability of the interview test—we must conclude that the different influences of the Boards have been sufficient in this case to mask to common influence of the same set of candidates."² Again, the Committee observed: "These results show definitely that the evidence on which the examiners could judge the candidates was different in the two cases, that is, that the two interviews were so differently conducted that we might almost suppose different candidates to have been examined."³

These weighty conclusions of the International Institute Examinations Enquiry Committee clearly establish the fact that often success or failure of a candidate in interview is "largely a matter of chance," depending on whether the members of the interview Board "struck on a topic in which a candidate felt so strongly that he was able to display his individuality."⁴ Kelsall who also quotes these findings concludes that such 'viva voce' tests clearly give an advantage to those candidates who have the same educational and social background as the members of the interview board. It would not be incorrect to say that the existence of social bias among the members of the Boards explains, to a great extent, the wide disparity among them in assessing the same candidate.

Findings of Psychological Experts

In addition to the findings of the International Institute Exami-

1 *Ibid.*, p. 28.

2 *Ibid.*, p. 39.

3 *Ibid.*, p. 40.

4 *Ibid.*, p. 41, footnote by Sir Phillip Hartog.

nations Enquiry Committee, there has accumulated, during recent years, a considerable body of negative evidence on the reliability of interview. We may quote here the findings of a few psychological experts on this subject. Dr. H.J. Eysenck, Professor of Psychology in the University of London, after reviewing the investigations conducted by Binet, Scott and Hollingworth into the reliability and validity of employment interview, concludes that "There is practically unanimous agreement regarding the unreliability and lack of validity of the interview."¹ According to Dr. Phillip E. Vernon, Professor of Psychology in the University of London and Consulting Psychologist to the British Civil Service Commission, "The selection interview is obviously unsatisfactory because it provides such an unrepresentative and limited sample of the interviewee's behaviour."² Prof. Carrol L. Shartle of the Ohio State University is similarly of the view that "in general, the interview, although widely used, has little evidence to support it as a valid procedure for directly evaluating the competence of persons for administrative positions."³ O. Glenn Stahl sums up admirably the position of selection interview when he says that even "the best oral interview provides opportunity for the analysis of only a very small part of a person's total behaviour. Generalizations from a single interview regarding an individual's total personality pattern have been repeatedly proved to be wrong."⁴

The psychologists who have done extensive experimental research in this field further draw attention to certain inherent weaknesses or limitations of the interview which make the task of the interviewers very difficult. The first limitation of the interview, as was shown by the findings of the International Institute Examinations Enquiry Committee, is that there are considerable differences in the rating ability of different interviewers and in the ratings of a candidate by the same interviewer at different times. It is seen that the much-talked-of unanimity is in regard to superficial characteristics, but as ratings become analytical, differences among the interviewers tend to increase. Secondly, every human judge has 'stereo-types' or a picture of stock-personalities. Thus, as Prof. Vernon points out, we have the pictures of the typical athlete, the absent-minded professor or the pedantic civil servant which influence our judgments. Thirdly, there is a tendency among human judges which Thorndike calls the 'halo effect'.

- 1 *Uses and Abuses of Psychology* Penguin Books Ltd., London, 1958 p. 106. The term 'reliability' indicates trustworthiness or consistency in measurement; a test is 'valid' if it measures accurately whatever it is supposed to measure.
- 2 *Personality Tests and Assessments*, London, 1957, p. 21.
- 3 *Executive Performance and Leadership*, Englewood Cliffs, N.J. 1956, p. 3.
- 4 *Public Personnel Administration*, Harper Brothers, New York, 1956, p. 97.

According to this, we tend to like or dislike a person as a whole. If we like a person we attribute all the desirable and admirable traits to him and attribute all the undesirable and bad traits to him if we dislike him. The fourth limitation of the interview is that it involves subjective interpretation. To quote Prof. Vernon again, the interviewers' "own personality and view-point both influence what he notices in other people's behaviour and his interpretation of the traits responsible for such behaviour."¹ Further, the rating of a particular trait is determined in the interviewer's judgment not only by objective reality, but also by his own possession of that trait. If the interviewer possesses the trait in question, his judgment can be influenced in two different ways according to whether he is conscious or unconscious of the fact that he possesses that trait. Dr. H.J. Eysenck has experimentally established that if the interviewer is unconscious of the fact that he possesses the trait, he will tend to attribute a greater amount of that trait to other people, while, when he is conscious of it, he will tend to attribute a lesser amount of it to other people.² Finally, the interview creates a formal and artificial atmosphere which may easily lead to either the over-rating or under-rating of the traits of candidates.

The evidence against interview is, indeed, formidable. But in spite of all the adverse evidence, the interview is likely to remain a major technique of personnel selection for at least two reasons. First, it is universally accepted by both the Service Commissions and the candidates. The Commissions would like to retain the power of 'summing up'; and the candidates would be suspicious of more impersonal techniques such as tests or written information. Secondly, the interview technique is quicker and more economical than psychological tests. The construction, validation and administration of psychological tests involve considerable labour and time of skilled psychologists. Even if these tests are more useful than the interview, it seems unlikely that they would be used for any practical purpose other than that of supplementing the interview.

With all its imperfection and limitations, the interview is still widely used by all Service Commissions and it is likely to be increasingly used in future. We may, therefore, consider here some ways of improving the interview.

1 *Personality Tests and Assessments, op. cit.*, p. 6.

2 *Vide Sense and Nonsense in Psychology, op. cit.*, pp. 186-188. Dr. Eysenck observes that "to understand the meaning of a rating given by one person of another, we must have some knowledge, not only of the meaning attributed to the terms used by the rater, but also to his own possession of the trait in question and to his insight or lack of insight. This, of course enormously complicates the whole problem of ratings." *Ibid.*, p. 188.

(D) METHODS OF IMPROVING INTERVIEW**Need for Job Analysis**

The interview is employed to assess the capacities of the candidates as relevant to the job and hence, the determination of the factors to be considered for such assessment is of basic importance in interview. The interviewer has to make careful job analysis and isolate the significant traits and qualifications essential for successful job performance. He has further to make analysis of the qualities and traits of those who are efficient as well as inefficient in their jobs and to discover what traits of intelligence, capacity, temperament, will, etc., combine to produce efficiency. Prof. William Robson puts this point succinctly when he says that "Psychological analysis of different types of government work would indicate the qualities of mind and personality required for diplomacy, for negotiation or conciliation, for planning and development, for personnel administration, for finance and accounting, for work involving frequent intercourse with businessmen, farmers, industrialists and so on."¹ Prof. Robson considers the three broad kinds of work classified by the British Civil Service Selection Board into policy matters, paper work and personal contacts as inadequate, and makes a plea for "a more profound study of job analysis" "on a more differentiated basis" and to relate interviews and other tests to the results thereof. Anstey and Mercer also emphasize the need for the interviewer to inform himself in a systematic manner about the requirements of the job for which he is interviewing.¹

The Public Service Commissions in India do not appear to have made any systematic analysis of the various types of government work on the lines of the job surveys made by the Civil Service Commissions of Britain or the United States. The Requirement Forms which the Government Ministries or Departments send to their respective Public Service Commissions for selecting candidates are the only source which give some information regarding the requirements of the job such as those relating to duties, qualifications, training and experience; mostly the members of the Commissions depend upon their own ideas and impressions about the job concerned. The result of this lack of systematic job analysis is that the interview conducted by the Indian Public Service Commissions are general and academic in character. It

1 *The Civil Service in Britain and France*, edited by Prof. Robson, *op cit.*, p. 57. Cf. the following observation of O. Glenn Stahl: "One of the greatest weaknesses in the testing programmes of many jurisdictions today arises out of an inadequate understanding of the positions for which examinations are being prepared," *Public Personnel Administration*, *op. cit.*, p. 87

2 *Interviewing for the Selection of Staff*, *op. cit.*, p. 12.

was this lack of specific and relevant criteria in selecting the candidates which appears to have led late Dr. Paul Appleby, in making the over-all assessment of the selection method in India, to the conclusion that it possesses too much academic and "intellectuality" orientation and that it is not much concerned with the actual requirements of the job.¹

A few observations about the Requisition Form and the need for job analysis may not be out of place here. The Requisition Forms² used by the Union Government and most of the State Governments have common items which include information on whether the post in question is temporary or permanent, pensionable or non-pensionable ; its period of probation ; conditions regarding age-limits, nationality and domicile ; the qualifications, experience and training required and scale of pay ; whether women candidates and Government servants are eligible ; and whether candidates belonging to any minority community are to be preferred. With regard to the requirements of the job, the Requisition Forms used by the Bombay State Government and the Union Government are better than those of other State Governments in that they contain an item requiring a detailed statement of the duties and responsibilities of the posts to be filled. However, even such information about the duties and responsibilities of the jobs is no substitute for a detailed analysis of the qualities and traits to be looked for in the candidates. The Requisition Form, at best, provides information about the general conditions and qualifications required for jobs ; even here some Public Service Commissions complain that these forms are carelessly drafted and are frequently vague.

It would be useful if the Governments undertake, in cooperation with Public Service Commissions, a detailed psychological analysis of the various types of government work with the object of finding out the qualities of mind and personality required for different government jobs. In making such analysis, the list of items which Shartle has suggested may prove helpful.³ Shartle gives the following more

- 1 *Public Administration in India : Report of A Survey*, Cabinet Secretariat, Government of India, New Delhi, 1953, p. 11. This criticism, however, should not be understood to mean that the candidates should be selected by actual administrative tests. What Dr. Appleby perhaps meant was that in many interviews candidates are subjected to general and academic examination in which account is taken of the qualities which are distinctly not related to success on the job.
- 2 These requisitions are sent by the Ministries/Departments through the Chief Secretary of the State Government concerned in the case of a State Commission, and through the Secretary, of the Ministry concerned in the case of the Union Commission.
- 3 *Occupational Information*, Prentice-Hall, Englewood Cliffs, N.J., 1955 (2nd Ed.), pp. 34-37 et: sqq. Also see *Guides for Analysing Jobs*, War Man-Power Commission, U.S. Government Printing Office, Washington D.C., 1944.

important aspects of the job to be covered in making job analysis : (A) *Work performed* :—This should give a brief picture of what the employee does, how he does it, why he does it and the tools and materials he uses in doing the job. (B) *Supervision given and received* :—The number and kinds of employees should be shown if it is a supervisory job ; the kind of supervision given to the job should also be indicated (C) *Estimates of the kind and degree of responsibility, knowledge, mental alertness, initiative, judgment, and resourcefulness required* should be given. (D) *Job relationships* :—It is necessary to know the normal channels of promotion from within. This could help in determining promotional channels and transfer possibilities. (E) *Working conditions and physical demands*. (F) *Social environment* :—Emphasis should be on the inter-personal relationships required by the job such as dealing with people, working as a member of team, or working in isolated areas.

Determining the Precise Meaning and Components of Traits and Qualities

Having obtained a knowledge of the essential traits and qualities to be assessed, the interviewer has then to define precisely what is meant by these traits and qualities, breaking them down, if possible, into their component parts. For example, we may give the following analysis of 'objectivity' as contained in the Rating Form for interview used by the U.S. Civil Service Commission—"Discrimination between fact and opinion, re-examination of his own position, acceptance of corrections, consideration of the ideas of others and evidence of prejudices."¹ In the absence of such clearly defined traits, the judgments of the interviewers may vary to a great extent for no fault of the candidates. Dr. H.J. Eysenck gives an interesting example of how the same trait may mean different things to different interviewers. He says that the term 'sense of humour' may mean four things or their various combinations to different people. It may mean (1) a person who laughs readily, that is one who is happy and good-natured, (2) a person who laughs about the same sort of things that we laugh about, (3) a person who has a ready wit and makes other people laugh, and (4) a person who is capable of laughing at himself.² An interviewer may rate one candidate as having sense of humour for one reason and another interviewer, for another reason. This would not matter much if the traits associated with these various definitions were closely related. But, as Eysenck and Vernon say, experimental studies have shown that "in actual fact there is no great tendency for these different traits to hang together." In a similar way, the traits of

1 *Rating Form* (No. 259), U.S. Civil Service Commission.

2 *Sense and Nonsense in Psychology*, *op. cit.*, pp. 184-185.

judgment, leadership and social cohesion are capable of various interpretations. It may thus be laid down as a primary condition of the success of interview that the interviewers must agree upon the exact meaning they attach to, and the constituent elements of, the traits to be assessed.

Principles for Conducting Interviews

Equipped with a knowledge of the qualities and traits to be looked for in the candidates and having secured an agreed meaning attached to them, the interviewer should bear in mind certain principles of the interview when he interviews candidates. Some of these principles have been formulated and adopted by the Civil Service Commissions of other countries. It is pertinent to emphasize these principles here.¹ The first of these principles is that the Commission or Board whose task is to find out all it can about the candidate, must put him at his ease and give him full opportunity to show himself at his best. This can be done by approaching the candidate in a friendly and sympathetic way. The interview should have the character of a friendly discussion, not of cross-examination or inquisition. Some Public Service Commissions in India sometimes use the "stress" interview to the point of rudeness or provocation. The Union Public Service Commission in India followed this method of interview for some time. Although something can be said in favour of the "stress" interview particularly for recruitment to the Defence and Police Services, such interviews defeat their main purpose. Austey and Mercer rightly point out in this connection that "interviewer in a selection interview is usually by the nature of the situation in so immeasurably the superior position morally that such device should be quite unnecessary even if it did not savour of the under-dog."² The second principle of the interview is that the candidate should be judged on the whole of his record—education, qualifications, training and experience—as well as on his intellectual and personal qualities. We earlier referred to the "halo" effect on the interviewers. To do justice to the candidate, therefore, all his aspects should be taken into account. Thirdly, the interviewers should direct their questions to finding out the candidate's suitability for the appointment concerned and that he should be tested on his "home ground", i.e. in relation to his own previous experience, opportunities and interests. It is a common complaint of the candidates who appear for interviews before

1 From *Notes for Private Circulation*, Civil Service Commissions of Britain and Canada. Austey and Mercer have also written an instructive chapter on this subject in their *Interviewing For the Selection of Staff*, op. cit., Chapter V.

2 *Interviewing For the Selection of Staff*, op. cit., p. 27.

the Public Service Commissions in India that they are not given fair chances in the interview and that the questions asked had little relation to their previous studies and experience and the work they would be called upon to perform, if selected. Nothing is more futile than to ask questions to the candidates which are of no particular importance or relevance to their previous career and opportunities and the job applied for. Fourthly, at least half an hour's time should be devoted to the interview. There is a tendency on the part of some Public Service Commissions in India to dismiss candidates within 5 to 10 minutes if they could not create a good impression in the beginning. It is the experience of some of the members of these Commissions that sometimes a candidate who creates an unfavourable impression in the beginning, does very well if he is properly encouraged. The fifth principle is that the range and balance of the interview should be as nearly as possible the same for all candidates. The nature and standard of the questions put to candidates and the ground covered by these questions should be equal for all the candidates unless the different quality of the candidates makes it unavoidable. Finally, it is necessary that the interviewers should both be impartial and should be seen to be impartial. They should not be influenced by their private views about sex, language, religion and party-politics; they should strictly consider only those matters which are relevant to the candidate's suitability for the job in question.

Interview by itself does not introduce a competitive basis for making selection. Indeed, by neglecting the principles discussed above, it may be used for selecting only those who, in one or the other way, are "*personae gratae*" to the Commissions. The above principles of interview, it may be suggested, should be made the basis for interviews conducted by the Public Service Commissions in India.

The Rating Device

The effectiveness of the interview may also depend upon the rating devices employed by the Public Service Commissions. Different rating devices are used by the Indian Public Service Commissions and similar Commissions of other countries. In India, some State Commissions, in their 'viva voce' tests, award numerical marks on different items such as physique and personality, character and address and general intelligence or, as in the case of similar tests conducted by the Bombay Commission and the U.P.S.C., alertness and intelligence, depth and variety of interests, balance of judgment, leadership and social cohesion.

The U.S. Civil Service Commission uses a rating scale in which each of the following items is marked + if the candidate is strong,—if he is weak, and 0 if he is average :—(1) Appearance, Bearing and

Manner ; (II) Ability in Oral Expression ; (III) Stability and Social Adjustment ; (IV) Mental qualities other than Basic Intelligence ; (V) Interest and Motivation ; and (VI) Group Leadership and Participation. The rating form also contains pointers for each of the six factors along which the candidate is to be considered. At the end of the form there is space for the interviewer to prepare a narrative summary in which he gives his total impressions about the whole man and also clarifies and supports his rating.

According to the practice followed by the British Civil Service Commission, the candidates for executive posts are rated on such items as bearing and address, expression, reasoning powers, uptake, range and depth of interests, initiative and strength of character. The interviewers can give marks upto a maximum of 300. The rating by the Board is then made according to the following scheme :—

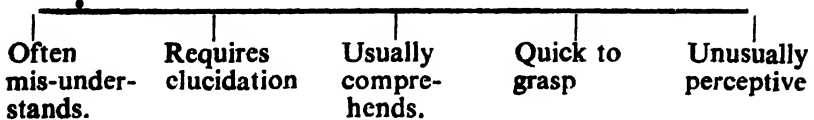
Mark

300	Exceptionally good all-round. Shows promise of rising in time to the highest executive post.	A	Department would be delighted to accept.
280	Good all round and exceptionally good in intellect and personality.		
260-250	Confidently recommended.	A	Department would be glad to accept.
240-220	A 'safe pass'. The Board has no doubt about his ability to make a good executive officer, but he is not a "flyer".		
210-200	Not quite 'a safe pass', but the Board has no serious doubts about his ability to do the work of an executive officer. Unlikely to go higher.	AB	Department would be willing to accept.
180-160	No grave defects but unlikely to be adequate.		
140-200	Below standard in intellect or personality.	B	Department would be somewhat reluctantly accept.
50	Below standard in intellect and personality.		
25	Far below standard.		

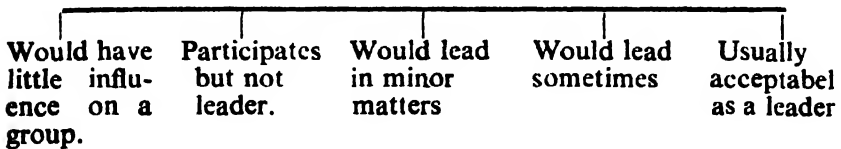
The rating form used by the Public Service Board of Australia for the recruitment of graduates contains items such as appearance,

alertness, effectiveness of expression, confidence, cooperation, leadership and relations with others. Each item is marked on a scale of five descriptive headings. For example, 'alertness' and 'leadership' contain the following headings :

Alertness



Leadership



At the end, general rating of candidate has to be shown by one of the following : not suitable, not entirely suitable but could develop, acceptable, good quality, outstanding.

Whether the interview rating scale is based on numerical marks, descriptive items or verbal labels, their main purpose is to enable the interviewers to assess the candidates according to a standard in terms of which their suitability or unsuitability can be precisely evaluated. It is this standard and its important grades which must be clearly defined and agreed upon by the interviewers. However, as shown by Prof. Vernon,¹ it may be said in general that the use of analytical scales (such as used by the Australian Public Service Board where each general trait is broken down into more specific components which are separately rated and the scores combined) can be more advantageous than the other rating devices. The ratings on analytical scales have the advantage of enabling the interviewers to pin down their judgment on a particular trait to a definite description—an advantage which is more difficult to gain by the method of numerical rating.

Need for training in the art of Interviewing

Even if the interviewers know fully the requirements of the job, have the best rating device and are prepared to follow the principles of interview as discussed above the interview may fail in its object

1 *Personality Tests And Assessments, op. cit.*, p. 115.

if the interviewers do not know the art and technique of interviewing. Interview is essentially an art and like most other skills, it can be made to yield better results by practice and training. In India, the Public Service Commissions have not given any importance to training in interviewing. It is generally assumed that a member appointed on a Commission knows how to interview well because of his experience. This is, however, misleading, and not infrequently, the members of the Commissions ask questions which are pedantic and vague and which elicit little information about the candidates. Sometimes the questions are asked in an aggressive manner or sometimes interview is considered by a particular member as providing a chance to show off his knowledge. All this defeats the real purpose of interview, and scientific training in the art of interviewing can do much to remove this defect. The U.S. Civil Service Commission conducts some preliminary training in interviewing for the members of its Interview Boards. Similarly, the Ministry of Labour in the U.K. and the British National Institute of Industrial Psychology have organised some training courses in interviewing. It would be worthwhile to organise some such training courses for the members of the Public Service Commissions in India. Such courses may well be organised under the joint auspices of the Union Public Service Commission, the Union Ministry of Home Affairs and the Indian Institute of Public Administration and should take the form of lectures on the conduct and content of interviews, demonstration interviews, and practice interviewing under observation followed by individual criticisms and discussions. For this purpose, some of the retired members of the various Public Service Commissions may be of considerable help.

Follow up Studies

With the tremendous increase in the functions of Government, the Public Service Commissions are called upon to select every year thousands of candidates by competitive interviews. When interview occupies such an important place in personnel selection, it is essential that we make an objective and scientific study of its efficiency as a selection tool. The test for judging the efficiency of interview consists in what is called "follow-up" study. According to this, we make a comparison between the assessment of the recruits' performance in service over a period of years and their assessment by the recruiting Commission. As an illustration of this, reference may be made to Prof. P.E. Vernon's follow-up study.¹ Prof. Vernon had obtained reports on 202 Administrative Class Home Civil Servants after one and two years' service and a single report on 123 members of the Foreign Service in Britain. To understand the value of such follow-up studies, we may briefly consider the findings of these studies. Prof.

1 Published in *Occupational Psychology*, London, April, 1950,

Vernon had conducted follow-up studies of the recruits selected by Method II examination, and one of his important findings was that the Final Selection Board assisted by what had gone before could predict how candidates would be regarded at the end of two years' service nearly as accurately as the employing departments could predict the same thing after candidates had served with them for a year. The follow up studies of the 709 Executive Class entrants and 190 Administrative Class Limited Competition (i.e. by entry limited to established civil servants serving in lower grades) entrants selected in the Reconstruction Competitions (i.e. those held during the years immediately following the last war), yielded the following results: (1) The written examination and interview tested quite different things and a combination of the two gave appreciably more efficient selection than either would have given alone. (2) The written examination assessed more effectively intellectual ability, while the interview was more effective in assessing personal qualities. (3) With young candidates a written examination was relatively reliable and interview assessment relatively unreliable; with older candidates the reverse was the case. Recently the British Civil Service Commission has done the follow-up of Methods I and II which have yielded very useful results regarding the two selection methods. As a result of this follow up, Method II which was tried on an experimental basis for ten years is now considered as a satisfactory alternative form of competition to Method I. Here again we may say that the Indian Public Service Commissions have not fully appreciated the value of follow-up studies. The Ministry of Home Affairs conducted some follow-up studies of some officers selected by the U.P.S.C., in 1956. In addition to this the Bihar Public Service Commission has been making use of follow-up studies to some extent, and the Rajasthan Public Service Commission has recently introduced follow-up studies. These are no doubt good attempts. But in order that follow-up should be really an effective instrument for checking and increasing the efficiency of interview, it should be adopted as an official policy by all Public Service Commissions.¹

Need to Reduce Marks for Interview for Some Services.

There is one more consideration which has an important bearing on the interview and which enables us to look at interview in the proper perspective. The general principle of interview, as emphasized earlier, is that it should be employed only when the relevant factors to be assessed cannot be tested by written examinations or by other

¹ See Appendix 'A' *Infra* for a comparison between an Indian State Public Service Commission's follow-up form and that used by the U.K. Civil Service Commission.

ways. If we apply this general principle, the personality interview does not appear to be much useful for many services and jobs. It may be granted that even for a clerical post, it is necessary to interview the candidates to know what type of persons they are before selecting them. Here the object of the interview is just to see the general bearing and intelligence of the candidates. But when the interview seeks to assess personality, the whole trouble of assessing it would be worthwhile only if personality is clearly established, by job analysis, to be an essential requirement for a particular job. In this regard, Dr. Gladden's conclusion derived from his own experience in the British Civil Service cuts the grass under the feet of those who insist upon personality qualifications particularly for the new welfare administration. According to him, even for our much socialized administration personality qualifications are not an essential requirement. As he puts it, for such administration, "the careful thinker is more valuable as an administrator than a glib talker."¹ There is considerable force in the view of Dr. Gladden and it merits further investigation into the subject.

It is arguable that in India there are some Services for which personality interview is unduly insisted upon and to which more weightage is given than is really necessary. For example, for the officers of the India Income Tax Service, Indian Postal Service and the different Accounts Services, personality is not an essential requirement in order to succeed on their jobs. Whatever the graces and art of dealing with the public are required for the officers of these services, they can be learned during the training period. Thus, for the personality test for these Services, there appears to be little justification to allot a total of 300 marks (i.e. about one-third of the total number of marks for the entire examination) for qualities which can be easily acquired at a later time. It would be more useful to reduce the maximum marks from 300 to 100 or 150 for the personality test for these Services.

One of the essential requirements for the officers of the Indian Administrative and Foreign Services and for the development personnel is effectiveness in personal contacts. It is true that this quality cannot be assessed in a short interview and that partly it can be developed by suitable training during the training period. The early practice followed by the U.P.S.C. and also currently followed by a few State Commissions such as the Bombay and Rajasthan Commissions, of requiring the candidates to obtain some minimum qualifying marks placed an undue premium on personal qualities in assessing which neither the time devoted nor the methods adopted by

them could give them any title of competence. Recently, therefore, in response to the persistent demands made by Parliament and the public, the Union Government has done away with this requirement. The personality tests conducted by the Union Commission now no longer carry any minimum qualifying marks ; the marks secured in the personality tests are added to the marks secured in the written examinations and the candidates are ranked on the basis of the total—a practice which is also followed by the Civil Service Commissions of the U.S., U.K. (for Method I) and Canada.

It can be criticised that this practice may enable some candidates to succeed who, though academically competent, lacked the desired personal qualities. This was one of the reasons advanced by the U.K. Civil Service Commission for introducing Method II (which makes use of psychological techniques of selection) as an alternative form of competition to Method I for recruitment to the Administrative Class and the Senior Branch of the Foreign Service. There is much to be said in favour of introducing a similar alternative form of competition for recruitment to the Indian Administrative and Foreign Services—a question which is discussed later in this chapter. Here it will suffice to observe that some suitable psychological techniques of selection will have to be adopted in India if we are to solve the above difficulty.¹

(E) PSYCHOLOGICAL TECHNIQUES—BRITISH EXPERIENCE

It is usually contended by the Union and State Public Service Commissions in India that their personality tests constitute a reliable and valid method of selection. The advocates of the personality tests point out that these tests are valid because they are similar to those followed in the Method I examination in the U.K. which, they point out, has been proved to be as valid as the Method II² examination which employs psychological tests, group discussions and individual interviews. This argument presupposes that both the Methods used

1 See in this connection W.T.V. Adiseshiah's article on "Psychological Criteria for Administrative Services," *Indian Journal of Public Administration*, Vol. VII, No. 2, 1961.

2 The Method I examination consists of: (1) a written examination of University Honours standard, (2) a preliminary interview carrying no marks, the purpose of which it to supply a report to the Interview Board, and (3) final interview by the Final Selection Board. The Method II examination consists of: (1) a short written examination which eliminates some candidates, (2) a series of psychological tests, group discussions and extended interviews by the Civil Service Selection Board for two and a half days which again eliminate some candidates, and (3) interview by the Final Selection Board which alone determines the candidates' final order of merit.

in the U.K. have identical merits and value. It is important to recognise here that the recent follow-up studies of Methods I and II in Britain suggest that each of these Methods has merits which are not possessed by the other Method. Thus, the British Civil Service Commission points out that "Method II has attracted good candidates—some of whom might not have come through Method I."¹ This conclusion suggests that the Method I examination is not free from some disadvantages. Moreover, in the absence of comprehensive follow-up studies of the candidates selected by the U.P.S.C., the general criticism expressed in official quarters as well as by the Members of Parliament and other public men that there has been a deterioration in the quality of the candidates selected by the U.P.S.C. may be taken as some indication of something being wrong with our method of selection. In the last analysis this question is, no doubt, bound up with our standards of university education; but the fault does not lie only with the university education. The selection method employed may also be partly responsible for the low calibre of the candidates selected.

Various critics who have studied the selection methods followed in India have criticized the personality tests as possessing little value in the assessment of the mental and moral qualities of personality. The Late Dr. Paul Appleby who examined Indian Public Administration as a Ford Foundation Consultant first in 1953 and again in 1956, pointed out that "The criteria by which personnel are selected by the Public Service Commissions are not up-to-date, and examining and appraising techniques are far from modern. Selection is too much in terms of academic records and appraisals by experienced academic examiners, too little in terms of many other considerations important in public administration."² A D Gorwala, a distinguished, and now retired, member of the Indian Civil Service, comments on interviews in the following words: "The importance of psychological tests must be realised and they must gradually replace the 'viva voce'. A fifteen minutes conversation with laymen, although possessing the wide experience of the Public Service Commissioners, can be no substitute for an expert psychological examination designed to give a scientific insight into the candidates' mental and emotional make-up."³ Similarly, the late Mr. G. B. Pant, Minister for Home Affairs, Government of India, in his inaugural address at the conference held

1 *Recruitment to the Administrative Class of the Home Civil Service and the Senior Branch of the Foreign Service*, Cmnd. 232, H.M.S.O., London, 1957, p. 5.

2 *Public Administration in India: Report of a Survey*, Cabinet Secretariat, O. & M. Division, Govt. of India, 1953, p. 11.

3 *Public Administration*, Planning Commission, New Delhi, 1953, p. 64.

by the Indian Institute of Public Administration in 1957, expressed his dissatisfaction with the present form of 'viva voce' tests and said: "I do not in any way underrate the importance of personality; considerable weight should be attached to it. But for seeing that, I think we should first admit a man to the public service, see how he behaves in the Administrative Training School during the course of one year, and find out if he is really lacking in those basic qualities which an administrator should possess. An interview lasting for 15 to 20 minutes, even if the young man happens to be smart and daring cannot by itself yield any convincing and conclusive results."¹ In the same conference, Dr. C.D. Deshmukh and Dr. V.K.R.V. Rao, pointed out that the present form of 'viva voce' tests needed improvements. According to Dr. Deshmukh, the 'viva voce' test can be improved "by extending its duration and by introducing psychological tests if they are found to be not very costly."² On this subject, the observations of the former M.P. Public Service Commission are also note-worthy. In developing effective selection techniques, the Commission said, "utmost advantage should be taken of the dependable psychological techniques of personnel selection."³

It is clear from the views quoted above that the present 'viva voce' tests conducted by Indian Public Service Commissions leave much to be desired and that one of the ways in which the needed improvement in these tests can be made lies in the direction of using psychological techniques. This is not to be regarded as just an academic conclusion, as is evidenced by the fact that such tests are usefully being employed by the U.K. and U.S. Civil Service Commissions. There are now available a variety of psychological tests the reliability and validity of which have been established by scientific research for measuring certain traits of personality and character which, together with a knowledge of the candidates' intellectual ability, make forecasts more accurate than is possible by the traditional method of 'viva voce' tests. In order to understand how these tests can be useful in the selection of higher administrative and executive personnel in India, we may discuss here, as an illustration, how they are used by the British Civil Service Commission

1 *Recruitment and Training for Public Services*, April 6-7, 1957, Indian Institute of Public Administration, New Delhi, p. 9.

2 *Ibid.*, p. 16.

3 *Annual Report*, 1953, p. 10. Also of the following remarks by Dr. Sohan Lal, formerly Chief Psychologist, Defence Science Organization, Ministry of Defence, : "The present writer feels that the Situational and Projective Techniques employed for the selection of Army Officers can be usefully extended to the selection of the civilian personnel for most of the executive and administrative jobs." (Selection of officers for the Armed Forces," *Indian Journal of Public Administration*, Vol. III, No. 2, 1957, p. 134).

and the results obtained after ten years of their employment on an experimental basis in Britain as an alternative method of recruitment to the Administrative Class of the Home Civil Service and the Senior Branch of the Foreign Service.

Originally the psychological techniques of selection were developed and used by German military psychologists in the 1930s. Following the methods and principles adopted by the German military psychologists, a selection board was set up in Britain in 1942 under the name of the War Office Selection Board to select candidates of good quality for Army Commissions during the war. The W.O.S.B. employed a variety of tests such as standard or "real life" situation tests, interviews and paper-and-pencil tests. The Board consisted of a few military officers, a psychiatrist and a number of psychologists. Later, the techniques of the British W.O.S.B. were followed in the United States by the Office of Strategic Services, and a similar board called the Services Selection Board was also set up in India in 1943 to select officers for the Armed Forces,

The experience gained by the W.O.S.B. in Britain showed that similar techniques with modifications to suit the requirements of the civil service could be used for the selection of higher civil servants. In 1941 the First Civil Service Commissioner of Britain expressed dissatisfaction with the pre-war method (Method I) of recruitment consisting of a lengthy written examination of honours standard, a pre-Board interview and a final interview. This form of examination, it was pointed out, suffered from two defects. First, it enabled a minority of candidates to succeed who, though academically competent, appeared to lack the desired personal qualities. Secondly, with the increasing tendency of business firms to offer attractive jobs to University graduates, the civil service seemed likely to lose ground in competition with the business world if the candidates, in addition to their degree examinations, had to take an arduous and exhaustive series of written papers.¹ The Civil Service Commissioners, therefore, decided, in consultation with the Government, to introduce an alternative method of recruitment (called the Method II or "House-Party" Method) on the lines of the techniques adopted by the W.O.S.B. but suited to the requirements of the civil service. The conduct of these tests was entrusted to a body set up in 1945 called the Civil Service Selection Board.

The Method II Recruitment in Britain

The Method II examination is used as an alternative method

See Memorandum by the Civil Service Commissioners on the use of the Civil Service Selection Board in the Reconstruction Competitions, H.M.S.O., London, 1951, p. 1.

of recruitment to Method I for the Administrative Class and the Senior Branch of the Foreign Service in Britain. The candidates to be eligible for Method II examination, must possess a University honours degree with at least a second class. Between 25 and 50 per cent of the vacancies for the Administrative Class are filled by Method II. Candidates for the Foreign Service must compete by Method II and must possess second class honours degree of a University or take the Method I compulsory papers and show that they are upto the standard. The Method II examination falls into three stages :—(1) *A short written examination* consisting of two papers in English, two general papers and a test of general intelligence. On the results of this examination, and an assessment of those with border-line marks made on the basis of their achievements at School and University, candidates are invited to the Civil Service Selection Board. Normally 40 to 50 per cent of the candidates qualify for going to the CSSB. (2) *A series of tests and interviews* at CSSB for two and a half days which include written tests, group discussions, committee work, psychological tests and personal interviews. On the candidates' performance at CSSB and on the basis of their achievements at School and University, they are selected for final interview. Normally about two-thirds of the candidates appearing at the CSSB go on to the Final Selection Board. (3) *An interview* by the Final Selection Board which, like the Final Selection Board of the Method I, is under the Chairmanship of the First Civil Service Commissioner and which determines the candidate's order of merit in the competition. The Final Selection Board awards marks out of a maximum of 300 for intellectual and personal qualities. The evidence which the Final Selection Board takes into account consists of the candidate's achievements in relation to his opportunities at School and University, confidential reports from referees and reports from the members of the directing staff of the CSSB in addition to the evidence of the interview itself.

Candidates are tested at the CSSB for two and a half days in groups of six or seven candidates at Stoke D'Abernon near London. Normally two groups attend CSSB at the same time. Attached to each group are three members of the Directing Staff: a Group Chairman, a Psychologist, and an Observer. The Group Chairman is usually a Civil Service Commissioner or a retired senior public servant or a senior member of a University. The psychologists are all professionally qualified, two of them being on the permanent staff of the Civil Service Commission and others being drawn from such sources as the University Departments of Psychology. The Observers are usually serving officers in the Administrative Class or the Senior Branch of the Foreign Service. The sources from which evidence about candidates is obtained by the three members of the Directing Staff include an outline of the candidates' career, reports of his achievements at School and University, reports from two referees,

the marks obtained in the written examination and comments by the examiners of the separate papers and an assessment of the candidate's performance as a whole in the written examination made by the Examinations Directorate of the Civil Service Commission.

Besides the written examination, other tests given to the candidates at the CSSB fall into three groups : *psychological tests, analogous and other practical exercises, and interviews*.¹ (A) *Psychological Tests*. One group of psychological test consists of 'cognitive' or 'intelligence' tests. The intelligence tests commonly used at the CSSB involve (i) the deduction of conclusions from involved passages of prose or from diagrams, (ii) verbal fluency and the establishing of relationships between words, an important element in the test being that it has to be carried out at speed, (iii) speed and accuracy in observing similarities and differences in a set of diagrams compared with a pattern series, (iv) appreciation of precise distinction between commonly used words, and (v) general information.¹ These tests "are designed to discount differences of age, education or experience and they seek to provide evidence of basic mental ability." The other group of psychological tests consist of Projection Tests. The Projection Tests are designed to reveal the candidate's attitudes, interests, ambition, temperament and character. Candidates are asked first to write a description of themselves from a friendly and critical point of view and then to answer a questionnaire concerned with their interests, influences and experiences. The hypothesis behind these tests is that a candidate in writing about himself may inevitably leave in it some indication of his personality, interests, attitudes and characteristic style. (B) *Analogous Exercises*. These exercises are so called because they bear some analogy to the work the successful candidate will have to perform in civil service. The analogous and other practical exercises comprise the following : (i) Two main analogous exercises are given both of which are based on a lengthy dossier describing a situation related to some work in the civil service. In the first exercise lasting for about two and a half hours, the candidates have to study the dossier and to answer a question which has a bearing on some principle or policy. The second is an oral exercise in which the candidates form a Committee to study a number of problems related to the main theme of the dossier. Each candidate is allotted a problem and takes the Chair for 15 minutes to expound the problem and to guide the Committee's discussion thereon ; when some

1 Part of the material of this section is taken from the *Office Memorandum*, U.K. Civil Service Commission, London.

2 Some of these tests are given in *Uses and Abuses of Psychology*, *op. cit.*, H.J. Eysenck, Chapter II.

other candidate takes the Chair, he discusses the problem with his fellow-candidates. These exercises, as the Civil Service Commission points out, "provide some evidence of intellectual quality, practical ability and judgment; in addition, the Committee exercise should display each candidate's personality and, in particular, his effectiveness in dealing with his fellows in discussions and arguments."¹ (ii) There are two other oral exercises. In the first, the group is asked to discuss informally among themselves a topic of current importance. This takes place on the first day and helps to break the ice. The second exercise is a Symposium which is something like a Brains Trust. In the Symposium each of the two groups which are re-arranged discusses some half-a-dozen topics of a wide variety including one of a light or humorous nature. The purpose of this test is "to test effectiveness in discussion, range and adaptability." (iii) There are two further written exercises. One exercise lasting for about 20 minutes seeks to test the candidates' ability to handle a delicate situation requiring judgment and integrity. The other test which takes 20 to 30 minutes is designed to test the candidates' ability to draft clear instructions. (iv) After the above tests, each candidate is asked to rank his fellow-candidates in order of preference as civil servants and separately as holiday companions. "This mutual ranking provides some evidence about the impact of each candidate upon his contemporaries (as distinct from his impact on the Directing Staff) and about the ability of the candidates to size up their fellows."² (C) Interviews constitute the last class of tests given at the CSSB. Each candidate is interviewed separately by the Group Chairman, the Psychologist and the Observer. The Observer is mainly concerned with the quality of the candidate's mind and discovering to what extent he possesses a well-balanced, disciplined, questioning and resilient mind. The Psychologist's interview aims at finding out the qualities of the candidate as a person, his attitudes, interests, achievements and aspirations and their relation to the circumstances of his life. The Group Chairman's interview is more general in character and covers all aspects of the candidate, depending on his calibre and temperament and the evidence still requiring investigation. Usually the Group Chairman seeks to know how the candidate has spent his time since leaving school, his leisure pursuits and his reasons for seeking a job in the civil service.

The three members of the Directing Staff for each group hold three conferences — one on the first day, another on the second day

1 *Recruitment to the Administrative Class of the Home Civil Service and the Senior Branch of the Foreign Service, op. cit., p. 22.*

2 *Ibid., p. 23.*

and a third, at the end of all the tests — to discuss their assessment about the candidates. The three Members write their own reports and are finally summed up by the Group Chairman. Usually there is not much difference between the verdicts of the three members; if there is any substantial disagreement, the Chairman, in the final report, tries to coordinate or explain them. "These reports", the Civil Service Commission observes, "seek to paint a picture of the candidate, to estimate his prospects of a satisfactory career in public service, and to indicate the type of work at which he is likely to do the best."¹

In addition to its own reports, the CSSB furnishes to the Final Selection Board (1) a summary sheet giving the candidates' personal particulars, choice of service and department, written examination marks, results of CSSB cognitive tests and the grading suggested by the CSSB, (2) an outline of the candidates, career at School, University, Armed Forces and in previous employment, and (3) referees' reports. Furnished with these several reports and the result of the tests conducted by the CSSB as pointed out above, the Final Selection Board conducts the final interview. The CSSB acts only as an advisory body. The final award of marks to the candidates and their ranking in order of merit is made only by the Final Selection Board.

Merits of Methods II

We have discussed above the various tests conducted by the CSSB in Britain at length as they represent one of the first attempts to apply psychological techniques in the selection of civil servants. As a selection device it has some merits and demerits which may be briefly considered here. The first merit of the Method II selection tests is that they represent a genuine attempt to match the people chosen with the type of work they will have to perform. Indeed, it may be said that most selection procedures fail in this respect. The several tests given at the CSSB seek to discover qualities of mind and personality the possession of which is essential to the successful performance of particular jobs. Secondly, these tests provide an opportunity to see candidates showing their performance on a number of occasions. This is also consistent with the concept of 'trait' as understood in Psychology. Consequently, they enable a better and more reliable judgment to be made about the candidate's personality than it is possible in a single interview of half-an-hour. The Final Selection Board has before it reports and assessments about the candidates made by experts during two and a half days in the light

of which it can arrive at an integrated and more reliable picture of the candidates. Thirdly, the Method II examination has the obvious advantage of attracting able candidates (who possess at least a second class Honours Degree) by eliminating the arduous and exhaustive written examination of the Method I.

Defects of Method II

Viewed as a normal procedure for selecting a certain proportion of candidates for the higher civil service, the Method II has certain dangers. The first danger of the Method II selection procedure is that the candidates selected by it may be somewhat lower in their intellectual and academic standards than those selected by Method I. It has always been one of the objects of the Civil Service Commission to keep away the "mere smatterers". In Method II examination, there is no test of intellectual attainments apart from the 'cognitive' tests and the possession of at least second class Honours Degree of some University. It is possible that in the absence of any academic examination conducted by an independent body and designed to test the candidates intellectual ability, some "mere smatterers" may be admitted to the civil service. A closely related issue is raised by the criticism that the Method II tends to favour the "slap-dash and superficial" candidates at the expense of those who are more solid. The Method II emphasizes in general the width of interests rather than the depth of knowledge. As Kelsall observes, a candidate for the Method II examination "must be able to talk fluently on a variety of subjects and must have first-hand knowledge of at least one. He must steer a middle course between bumptiousness and modesty. He must be able to argue his way out of a tight corner. *He must be repaid rather than thoughtful.*"¹ Kelsall then goes on to say that "life in a residential College is probably more likely to develop these qualities than attendance as a day student." Although there is considerable force in Kelsall's criticism, it must be admitted that the Method II can make possible to a large extent the detection of slap-dash and superficial candidates. It is difficult to disagree with the contention of the Civil Service Commission in this connection that "the 'smart Alec' or the show-man is much more likely to succeed if he has to face a single interview by a Selection Board than if, in addition to such an interview, he is subjected to the tests at CSSB and is under critical observation for many hours."² The Civil Service Commission further points out that enough information has been gained regarding the candidates appointed by the Method II "to show that whatever else may be said about them, they did not succeed in

1 *Higher Civil Servants in Britain, op. cit.*, p. 91.

2 *Memorandum on the Use of the Civil Service Selection Board, op. cit.*, p. 24.

the competition by reason of qualities that were merely meretricious."²

Kelsall advances a second criticism of the Method II selection procedure. "There is the danger", he says, "that those with particular types of educational and social background may tend to fare better in what is virtually an extended interview, than those from working class or lower middle class homes who have gone to local authority primary or middle schools and then to a 'Redbrick' University,"³ The Civil Service Commissioners give two arguments to show that this bias does not exist in the Method II selection procedure. Firstly, they point out that they "detected no disposition on the part of CISSB to attach importance to middle class or upper class antecedents. The danger was of the opposite kind : if anything, there was a natural tendency, when appraising a candidate's merits, to over-compensate for the handicap which often attaches to an up-bringing in a poor home with limited opportunities."³ The Commissioners support this tendency by pointing out that in 1939, out of 65 successful men candidates for Administrative Class, 44 per cent came from Boarding Schools and 30 per cent from County Secondary Schools. As regards the Universities, Oxford and Cambridge yielded 90 percent of the successful candidates in 1939. During the Reconstruction Competitions, these Universities yielded together 67 percent of the successful candidates. Moreover, say the Commissioners, these Universities today no longer stand for a certain social type. The second argument of the Commissioners is that "In seeking entry upon a career in which personal effectiveness is of such importance, it may fairly be asked whether the candidate who cannot, from natural diffidence or reserve, do himself justice under the testing conditions that CISSB deliberately provides, deserves to succeed."⁴

It is possible to argue as Kelsall does that despite the strong defence made by the Civil Service Commissioners of the CSSB tests, success in the CSSB tests, in some measure, would depend upon the early up-bringing and the social conditions of the candidates. In the committee exercise, for instance, where there is one candidate who has had years of practice in it at School and College and another who has had no such opportunity, assessment about them would inevitably be made in terms of their present performance. Yet, given the necessary opportunity to learn this technique, a candidate who did not get this opportunity in his previous career, may prove to be a better Committee Chairman than the one who acquitted himself

1 *Ibid.*, p. 24.

2 *Higher Civil Servants in Britain, op. cit.*, p. 53.

3 *Memorandum on the Use of the Civil Service Selection Board, op. cit.*, p. 25.

4 *Ibid.*, p. 25.

well in the Committee exercise at the CSSB. The same argument applies to the other oral exercises conducted by the CSSB. We agree with the suggestion of Kelsall that "If these tests are to be fair to all candidates they must be so designed that previous experience of the exercise will not affect the result."¹

In estimating the relative merits of the methods of selection, we may also refer to the results of the follow-up studies made in 1957 after ten years of the employment of the Method II examination in Britain as an alternative method on an experimental basis.² According to these follow-up studies, the conclusion reached by the Civil Service Commissioners is that both the methods have attracted candidates of high calibre, and that through each method candidates of the required standard have been recruited which might not have come through the other method. Regarding the Administrative Class, the Commissioners observe that "the evidence indicates that Method II has justified itself as a method of recruitment to the Administrative Class. Moreover Method I and Method II have proved to be to a valuable extent complementary, each possessing merit which are less apparent in the other."³ Regarding the Senior Branch of the Foreign Service, the Commissioners conclude that "the evidence suggests that the Foreign Service, while continuing to recruit by Method II, should adopt, at least for a trial period, a dual system of recruitment under which a proportion of the vacancies would be for competition by Method I."⁴ On the results of these follow-up studies and the recommendations made by the Civil Service Commissioners, the British Government has decided that approximately 50 percent and 75 percent of the vacancies will be filled respectively for the Administrative Class and the Foreign Service, by Method II. The conclusion which

1 *Higher Civil Servants in Britain, op. cit.*, p. 94.

2 These results are published in *Recruitment to the Administrative Class and the Senior Branch of the Foreign Service, op. cit.*

3 *Ibid.*, p. 16: In filling up the follow-up reports, the Departments were requested to give one of the following gradings to their officers: (1) Very good indeed, (2) Distinctly better than the normally competent officer, (3) Upto standard, (4) Not quite upto standard, (5) Among the least suitable. The follow-up form was the same as shown in Appendix 'A', *Infra* 84 P.C. from Method I and 94 P.C. from Method II have been rated "upto standard" or better on performance; 88 P.C. from M.I. and 95 P.C. from M. II are considered capable of satisfactorily carrying out the responsibilities of at least an Assistant Secretary in due course. 46 P. of the officers from M. II are in the two highest performance assessments taken together (i.e. "very good indeed" and "Distinctly better than the normally competent officer"). 25 P.C. of the officers from M.I. are in these assessments. In the assessments "below up to standard", Method II has 4 P.C. and Method I, 14 P.C. For performance compared with marks in competition for Foreign Service, see Table 9, p. 19.

4 *Ibid.*, p. 20.

emerges from these follow-up studies is that each method possesses certain merits which are not possessed by the other and that both the methods are complementary to each other.

Applicability of Method II to India.

After discussing the various tests used by the CSSB in Britain and their relative merits and demerits, we may now briefly consider the question as to how far these tests can be of use for personnel selection in India. It is usually argued that since Method II does not have an appreciable advantage over Method I in Britain, the present selection procedure followed in India which corresponds to that of the Method I in Britain should be retained. This argument based on a comparison between the selection procedure of Method I and our method of selection does not take into account some important differences between them. Firstly, in the Method I examination in Britain, a member of the Final Selection Board or a Senior official conducts a preliminary interview of each candidate separately before the final interview of the candidate by the Final Selection Board. The value of such a pre-Board interview lies in the fact that it enables the interviewers to provide information and his comments on the candidates' background, career, interests and characteristics and, as Anstey and Mercer point out, "in suggesting to members of the Final Selection Board lines of enquiry likely to be fruitful in providing evidence on which to base their own opinions."¹ The Indian Public Service Commissions conduct only single interviews and do not take into consideration any evidence of the candidates' background, interests and characteristics except the evidence provided by the application and interview. In addition to its use by the British Civil Service Commission, the practice of pre-Board interview is also adopted for recruitment to the Colonial Administrative Service, by some local authorities and the National Coal Board in Britain, the Canadian Department of External Affairs and the Pakistan Public Service Commission. The second important difference is that in Britain the interviews conducted by the Final Selection Board, although the Board has before it a detailed report obtained by the previous interview, lasts, as a rule, for 45 to 60 minutes. The Indian Public Service Commissions do not devote so much time to their interviews except in a few cases where the candidates show exceptional promise. It is these important differences between the Method I interview of Britain and our interview method which may be said to account for the low reliability of the interviews conducted by the Indian Public Service Commissions.

¹ *Interviewing for the Selection of Staff, op. cit.*, p. 57.

Need for pre-Board Interview in India.

It would be worth while to consider the introduction of a pre-board interview (followed by a interview by the final Selection Board) for recruitment to higher public services both at the Centre and in the States in India. It would also be desirable to consider if the Method II technique of selection used in Britain can be used as an alternative method of recruitment to the Indian Administrative Service and Indian Foreign Service. The advantages of the Method II technique have been discussed earlier. In a suitably adopted form it can enable the Union Public Service Commission to assess the candidates' effective intelligence, capacity to grasp the essentials of a problem situation, foresight, balanced judgment, decisiveness, determination, power of leadership and ability to co-operate with the people.¹ Even a partial adoption of the Method II system in India would no doubt involve some serious practical difficulties such as those created by the paucity of experts for conducting these tests, the large number of candidates who appear in the competitive examinations and expenditure. Although these practical difficulties are involved in introducing the Method II system as an alternative method of recruitment, they are not insuperable. The Services Selection Board and the various private concerns in India² have been securing the services of psychological experts to conduct such tests and have been spending large funds over them. As in the case of the S.S.B. and business concerns, the U.P.S.C. could secure experts to conduct psychological tests, who have received training in this field abroad and by sending promising experts for training at the Civil Service Commissions of Britain and U.S.A. In the initial period, the Commission may take the assistance of some experts who have served on the Directing Staff of the Civil Service Selection Board in Britain.

1 See Dr. W.T.V. Adisesiah, "Psychological Criteria for Administrative Services," *Indian Journal of Public Administration*, Vol. VII, No. 2, 1961.

2 For instance, the Tata Iron & Steel Company, Jamshedpur, and the Sarabhai Chemicals, Baroda.

CHAPTER V

ADVISORY FUNCTIONS: PROMOTION, DISCIPLINARY CASES, APPEALS, RE-EMPLOYMENT, ETC.

In addition to selection on the basis of merit, a sound public service calls for reasonable assurance of tenure, an orderly classification of positions, equitable salary plan, adequate opportunities for promotion based on meritorious service and other incentives and proper procedures and methods to deal with the grievances of public servants. It is a fundamental responsibility of personnel management to establish and maintain conditions in which employees working together are stimulated to give their utmost in the service of the public. Indeed the most serious defects in public administration, as emphasized by the *Committee of the United Nations Technical Assistance Administration*, arise out of inferior personnel management and it is in this sphere, particularly in developing countries, that more thought needs to be given.

The head of an administrative department or agency has to control his subordinate personnel and see that they do their work in a way which helps in realising the objectives of the department or agency. Such a control implies that the head has to assign particular jobs and responsibilities to the subordinate personnel, transfer them from one place or position to another, to increase or decrease their compensation, to promote or demote them, to suspend them temporarily and to dismiss them, according to certain defined standards performance and conduct. These functions relating to personnel management are no doubt the responsibility of the head of the department who is expected to have personal knowledge about his subordinates which an outside official or agency would not claim to possess. But a complete concentration of these functions and powers in the head of the department can lead to an abuse of these powers. It is essential to the health of the civil service system that actions taken against the subordinate staff with respect to transfer, promotion, demotion, suspension, dismissal or retirement should be on the basis of merit and fairness. In most democratic countries, this purpose is achieved by associating the Civil or Public Service Commissions as independent service authorities in the making of personnel decisions. In India, the government departments have to consult the Public Service Commissions on the principles to be followed in making promotions and transfers and the suitability of different officers for such promotions and transfers, disciplinary cases, appeals, confirmation, re-employment, and other service matters. Among these several personnel actions, promotions, disciplinary cases and appeals are by far the

most important and, excluding recruitment, constitute a major part of the advisory functions of the Commissions. This chapter, therefore, is confined to an examination of these problems only, although it must be recognised that the Commissions' other advisory functions are no less important.

(A) PROMOTION

Promotion may be defined as a process which involves the assumption of higher duties and responsibilities by an employee accompanied by a higher status and salary. "It covers both advancement between grades within the same class and between different classes."¹ Promotion is integral to the concept of "career service". A public service which does not have room for advancement and assumption of higher responsibilities on the part of individual employees according to their merit and ability would indeed be a disorganised public service. It is the normal desire of an employee to be accorded recognition for superior service and after mastering the requirements of his job, to expect consideration for promotion to a higher position which will give him added responsibility and demand a higher degree of competence. For individual employees, promotion opportunities are an incentive to do their jobs well and develop their abilities; for government, a sound promotion programme has the advantage of high employee morale and increased efficiency of governmental operations.

Development of Promotion System

The early practice regarding recruitment and promotion in most countries was based on heredity, social status and relative power. As the Civil Service developed, the principle of seniority became the guiding principle in making promotions. This inevitably resulted in the placing of many incompetents in higher positions which undermined the efficiency of the Civil Service. In Britain, this system was condemned by Northcote and Trevelyan in 1853 who recommended the principle of merit in its place. In the U.S., in spite of the overall supervision of the Civil Service Commission in federal personnel administration, the general tendency in this respect till recently has been the promotion of civil servants on the basis of political and personal considerations. As late as 1956, a Senator, introducing a bill to place all promotions in the Civil Service on the principle of merit, said that "promotions are too often made on the basis of political or personal favouritism."² This bill which subsequently

¹ E.N. Gladden, *Civil Service or Bureaucracy*, op. cit., p. 96.

² *The Congressional Records*, March 15, 1956.

became an Act together with the Performance Rating Act of 1950 and the adoption of some of the recommendations of the Hoover Commission (1955), now provides for promotion in the U.S. federal Civil Service on the principle of merit. Both in Canada and Australia which suffered from the same defect as Britain did during the early period of the development of her Civil Service, the Civil Service Commissions of these countries have, after the first world war, made progressive changes in their promotion systems. It can now be stated as a broad fact that Britain, Canada and Australia have considerably eliminated political and personal favouritism from influencing promotions in their Civil Services.

Relatively, sound practices in regard to promotion have not yet been established in India. For promotions in the higher and middle grades of the public service, merit is accepted as the criterion at least theoretically. For junior grades the principle of seniority-cum-merit is the basis for making promotions. Recent investigations show that even in the higher and middle grades in which the principle of merit is supposed to govern promotions, "this very sound principle" as a former Chairman of the U.P.S.C. pointed out in the course of his evidence before the Pay Commission (1957-59), "is honoured more in the breach than in observance." The existing promotion system in India has also been criticised by Late Dr. Paul H. Appleby as being too much in terms of confidential annual reports and seniority, confined to a narrow field, and less in terms of wider and more real competition.¹ To this may be added the criticisms made from time to time by various Public Service Commissions regarding the promotion practices. These criticisms reflect the deficiencies of our promotion system and call for an examination of our promotion practices.

Principles of Promotion

The broad principles of promotion which will be readily accepted today were laid down in 1921 by the Whitely Committee on Promotion in Britain.² The first principle enunciated by the Committee was that the head of the department must have responsibility for making promotions in his department whatever machinery may be adopted for this purpose. Secondly, the consideration ruling all promotions should be the advancement of the efficiency of the public service which can best be secured by determining promotions on the ground of fitness. This principle, the Committee said, should be

1 *Re-examination of India's Administrative System with Special Reference to Administration of Government's Industrial and Commercial Enterprises*, Cabinet Secretariat, Govt. of India, New Delhi, 1953, pp. 23-27

2 The Report is reproduced in *The Civil Service in the Modern State*, Edited by Leonard D. White, University of Chicago Press, Chicago, 1930.

invariably adopted in case of promotions where greater responsibilities and initiative are required ; where the work is of a routine character seniority should be given greater weight. The principles of merit in higher grades of the public services and seniority in the lower grades are now the accepted principles of promotion in all countries.

The principle of promotion on the basis of seniority seems to connote the idea of stagnation, of the quantity and not quality of experience and of a lack of enterprise. On the other hand the principle of merit emphasizes justice to the employees and efficiency of administration. To defend the principle of seniority is, therefore, to defend stagnation and inefficiency. Though, theoretically, this may appear to be convincing, the principle of seniority is not to be thrown over-board. In a sense, seniority itself may be regarded as constituting merit, depending upon the use which an employee may make of his experience. As Dr. E.N. Gladden rightly points out, "Seniority and merit are complementary factors : a system that denies either is inevitably bad—". The real difficulty is indeed to define merit in this particular context and to evolve a method whereby the merit choice can be made in a way acceptable to the majority.¹ In all merit systems the choice is ultimately made by individuals which involves personal judgments in the light of standards not capable of being defined precisely. The fundamental problem here is how subjectivity in such judgments can be minimised and, assuming that some degree of subjectivity is always present, which machinery can be devised to ensure that appraisal on the basis of merit is made. This is one of the major difficulties to be over-come in a sound promotion system. A sound promotion system should be designed to achieve at least three objectives : (1) to select the best man for the higher position, (2) to provide sustained incentive for greater employee skill and effort, thereby improving the morale of the employees, and (3) to satisfy those to whom it is applied that it is fair and just. Merit selection mainly aims at (1) ; a proper combination of merit and seniority selections can realise (1) and (2) ; and an ineffective merit system or excessive seniority system is likely to result in the negation of (2) and (3). The utility of any promotion system has to be judged in the light of the above three theoretical purposes.

Promotion Practices in the Union Government

In the Union Government, each Ministry sets up a departmental promotion committee for considering promotions to superior posts in the Ministry. The departmental promotion committee con-

sists of a Member of the Commission as Chairman¹ and senior officers of the Ministry or Department who generally have personal knowledge of the work of the officers out of whom the selection is to be made. The committees arrive at their decisions on the basis of the confidential annual reports and other service records of the officers concerned; they are rarely, if ever, interviewed. The officers considered for promotion include not only the officers who are recommended by the head of the department but also those who are likely to be superseded. The recommendations of the departmental promotion committees, accompanied by the confidential annual reports and service records of the officers concerned, are then forwarded to the Commission for their approval. For promotion in the lower posts, the Ministry concerned sends the Commission a list of officers proposed for promotion with their confidential reports.² In both methods of promotion, if an officer is to be superseded, the Commission is furnished with the reasons therefor. Frequently it comes to the notice of the Commission that quite a large number of officers is superseded in promotion without any justification. For example, in January 1953, the Ministry of Railways created a post of Deputy Director (Electrical, Senior Scale) and sought the concurrence of the Commission in the proposed promotion of a Class II officer to the post. "The proposed appointment," the Commission noted, "involved supersession of a large number of officers belonging to Class I and Class II cadres."³ The Commission found most of the superseded officers fit for promotion.

Practice in the States

In the States, promotions to gazetted posts are made in consultation with the Public Service Commission, promotions in the non-gazetted posts are made by the head of the department. In making promotions in the gazetted posts, the States follow the system of departmental promotion committees in respect of some services but with a few exceptions, they are not presided over by a member of the State Public Service Commission concerned. In Bihar, for instance, the Divisional Commissioners first send their recommendations to the Board of Revenue for promotion to the Bihar Civil Service (Executive Branch) and Bihar Junior Civil Service. These recommendations are then

- 1 In 1963-64, a Chairman or Member of the Union Commission presided over 512 departmental promotion committees involving the cases of 10,906 officers. In addition the Chairman or a Member of the Commission met at the head-quarters of all States to consider promotion of 1,916 State Service officers to the I.A.S. and I.P.S.
- 2 Some senior and junior posts are outside the purview of the Commission. See Appendix 'C', *infra*.
- 3 *Annual Report, 1955-56*, p.6.

considered by a Selection Committee consisting of a Member of the Board of Revenue as a Chairman and the Additional member of the Board of Revenue, the Food Production and Development Commissioner and all Divisional Commissioners as members. The officers nominated by the Selection Committee are arranged in order of preference. The Board of Revenue then sends the list of these officers together with their confidential reports and character rolls to the Public Service Commission for advice. In Rajasthan and Uttar Pradesh, in addition to the provision for departmental promotion committees of this type, departmental promotion committees presided over by a member of the Commission are set up for promotion to higher posts in some of the services, such as in Administrative and Police. Rajasthan and Uttar Pradesh appear to be the only States which have adopted the practice followed in the Union Government although to a limited extent.

The other method of promotion followed in the States is that of Select or Waiting Lists. In respect of a number of services the State Government prepare Select or Waiting Lists for promotion to higher posts in consultation with the Commissions. These lists are first prepared by the departments concerned by assessing the experience, record and qualifications of the officers eligible for promotion. The Lists along with the confidential reports on the proposed and superseded officers are then sent to the Public Service Commission for its advice. The Commissions give their advice in step on the basis of the material provided by the departments. Such Select or Waiting Lists prepared from time to time of candidates considered fit for promotion instead of taking a decision after a vacancy has arisen has the advantage of "avoiding any ground for the imputation that the person who was the head of the department at the moment of the vacancy arising endeavoured to show favour to any particular individual."¹

Originally the practice in the States was that the Commissions gave advice regarding the suitability for promotion only of such officers whose names were proposed by the departments. The Commissions have frequently protested against this arrangement since it gave no protection to the superseded officers against departmental prejudices. The Commissions have noticed a large number of cases in which there was no justification for supersession. Thus the U.P. Public Service Commission reported in 1951 that "Cases are not wanting in which the superseded persons represented to Government against their supersession and on their representation being referred to the Commission, were held to be suitable for promotion."² Th. Orissa Public

1. *Report, Central Pay Commission, Govt. of India, 1947, p. 66.*
 2. *Annual Report, 1950-51, p. 30.*

Service Commission likewise pointed out the same thing in its annual report for 1954-55. The Commissions have held the view that it is one of their statutory functions to safeguard the members of the services from unfair supersessions. According to the existing practice, therefore, followed at the Centre and in the States, the cases of officers recommended for promotion as well of those who are proposed to be superseded are sent to the Commissions.

Social and Political Influences

It is observed that the social and political influences which operate in Indian administration also pervade our promotion system. Frequently promotion to higher posts are determined by political pressures and social connections. The civil servant for being promoted must not displease his minister and important party men. He has to keep proper relationship with his superior officer and his family.¹ If he belongs to the same caste or sub-caste or comes from the same region as his superior officer, he may expect better chances of promotion. He must use the language which his boss understands and must be His Master's Voice. To him, truth and fairplay are values subordinate to the goal of promotion. Promotions in Indian public services are thus frequently governed by political, social and personal considerations ; this has led to a great deal of frustration among the public servants. As a commentator observes : "most civil servants, young or old, senior or junior, brilliant or mediocre, hard-working or lazy, seem to have lost faith in the system of promotion by the Government."² No promotion system based on merit can be effective in India unless there is a concerted effort in that direction by political and governmental leadership, Public Service Commissions and the Civil Service. We are not going into these fundamental issues here ; the discussion in this section is confined to those areas of the promotion system in which the Commissions, within their present operative framework, can play a useful role.

Need for Associating the Commission with Departmental Promotion Committees

It has been pointed out above that the practice of making promotions through departmental promotion committees is followed at the Centre and in the States of Rajasthan and Uttar Pradesh in the case of some services and posts. The remaining States set up departmental

1. See in this connection "Informal Factors in Differential Bureaucratic Promotion" by Coats and Roland, *Administrative Science Quarterly*, Vol. III, No. 1, 1958.
2. Inder Malhotra, "Meritocracy Plan Upsets Civil Service : Faith Lost in System of Selection." *The Statesman*, July 1, 1966.

committees without a member of the Public Service Commission. There are at least two important advantages in having a member of the Public Service Commission to preside over the different departmental promotion committees. One advantage is that as there is more time at the disposal of the departmental promotion committees, the committees can examine the various candidates more thoroughly by interview, if necessary. The presence of a member of the Commission in interviews would enable a better and independent assessment of the candidates. Any doubt about irregularity or departmental prejudices against the candidates can be brought to the notice of the Commission. In the second place, such committees with a member of the Commission can ensure a proper adjudication and co-ordination of standards to be adopted in making promotions. There are considerable differences in the standards adopted by the department in the assessment of the candidates' suitability for promotion. It is frequently the case that one department considers bad or moderate record as a sound reason for making promotion while the other departments consider a good record as a sound reason for penalising or superseding the candidates. Commenting on an extreme case of this type, a State Commission once observed that "the terms 'equality of opportunity' and 'promotion by merit' have an elasticity of meaning in departmental minds which will not be found in any dictionary." When a standard defined clearly in terms of merit is not adopted, it only means that it is substituted by personal prejudices and preferences of the departments. A departmental promotion committee presided over by a member of the Commission can go a long way in applying certain common standards in assessing the candidates' suitability for promotion in different departments. It may be suggested here that all the departments of State Governments should set up departmental promotion committees presided over by a member of the Commission concerned. Such committees should have the power to call for any evidence and should consider any representation which may be made by the officers affected. Such evidence, if any, confidential record of the officers of the officers and representations by affected officers should then be sent to the Public Service Commission for its advice.

One of the fundamental problems of a promotion board is to secure all the facts necessary for making a proper comparison between all the officers. Such boards usually have before them the confidential annual reports and any special report which may have been made by the supervising officers and information regarding the grade of the candidates in departmental examinations. "The real problem is", as Dr. Gladden puts it, "to reduce so much information to a common denominator and to fill the gaps where scrappy personal knowledge is in question."¹ In most of the countries this problem is sought to be

tackled by means of a system of standardized periodical reports on subordinate officers. Since the reporting system is the basis for making promotions, it is necessary to deal with it at some length.

Annual Reporting System

The periodical report or efficiency or performance rating is "a formal tool which supervisors and other management officials use to measure the work performed by an employee against the requirements of the job."¹ During the last few years the Union and State Governments in India have modified and rationalized their reporting systems by providing new reporting forms in filling which certain considerations have to be borne in mind by the reporting officers. The chief object of the new system is to provide the material regarding the performance of the officers on the basis of which personnel actions such as promotion, demotion, reversion or disciplinary punishments can be taken. Reports are written annually by all supervisory staff on their respective subordinate staff except the Class IV employees. In some States as in Rajasthan, there are separate report forms for gazetted and non-gazetted employees. In the Union Government and some States as in Maharashtra only one form is used for this purpose.

In most of the States the prescribed report can be filled up mostly by writing 'yes' or 'no' with some explanation if the reporting officers desire so. For example, some of the items on which the reporting officers report are :—

1. Does the officer exhibit—
 - (a) Patience,
 - (b) Tact,
 - (c) Courtesy,
 - (d) Impartiality in his relations with the public and subordinate and superior staff with whom he comes into contact ?
2. Is the officer—
 - (a) Physically energetic ?
 - (b) Mentally alert ?
3. Has the officer—
 - (a) Initiative and drive ?
 - (b) Powers of control ?
 - (c) Powers of application ?

1 *Instructions on Civil Service Performance Rating System*, U.S. Civil Service Commission, Washington D.C., 1954.

4. (a) Does the officer under report tour adequately ?
- (b) Does he maintain adequate touch with, and control over, subordinates or does he leave work unduly in their hands ?
- (c) Is he in touch with the general public in the area under his charge ?
5. Has the officer any special characteristics and/or any outstanding merits or abilities which would justify his advancement and special selection for higher appointment in the service ?

In the reporting form there is further space for general remarks on the personality, character and abilities of the reportee and for the opinion of the head of the department (when not the reporting officer) on the conduct and efficiency of the officer reported on.

The report forms used by the Departments of the Union and Maharashtra Governments are fairly comprehensive and cover the general aspects of the performance and character of the employees. One part of the report elicits information on physical capacities for the duties of the post, intellectual qualities, temperament, character and group work of the employees. An outstanding feature of these forms is that instead of merely writing 'yes' or 'no' the particular qualities or performance to be reported on are provided with descriptive adjectives, and the reporting officer has to indicate his assessment by choosing one of the adjectives. Some of the items to be reported on are :—

- | | |
|--|---|
| (1) Receptivity | — Quick, receptive, slow, obtuse. |
| (2) Initiative | — Original, enterprising, resourceful, casual, apathetic |
| (3) Physical capacities for the duties of the post | — Diligent, industrious, toiler, slack, indolent. |
| (4) Moral reputation | — Excellent, good, fair, poor. |
| (5) Attitude towards brother officers | — Friendly, cooperative, obstructive, individualistic, selfish. |
| (6) Loyalty and fidelity. | — Faithful, obedient, conscientious, dutiful, easy-going, irresponsible, obstinate. |
| (7) Leadership (if duties demand) | — — — — — |

Part II of the report form is filled according to the requirements of the departments. For example for reporting on professors or lecturers in the Education Department on their teaching work, research and literary activities and extra-curricular work or Medical officers or Engineers on their professional competence, the administrative departments concerned give directions to the reporting officers.

for filling Part II. Part III for additional general remarks has to be written when the reporting officers have had an opportunity for studying the officer's work for some sufficient time.

The reports are treated as 'confidential' and not communicated to the reportee except in the cases of adverse remarks. The rules for reporting officers prescribe that an employee should be informed if his work is not considered satisfactory. This rule is, however, rarely observed in practice.

Criticism on the Indian Reporting System

The report forms used in India may be criticized on the ground that some of the character factors to be rated are ambiguous and, consequently, different reporting officers may attach different meanings to them. 'Initiative' for instance, as Dr. Gladden points out, may either refer to the intellectual initiative or initiative of the energetic or adventurous temperament. Further, the descriptive adjectives provided in the forms are not very clear. For instance, most of the reporting officers would find it difficult to distinguish between 'quick' and 'receptive', 'diligent' and 'industrious', and 'faithful' and 'obedient'. To this may be added the difficulty that some of the traits such as 'initiative' and 'loyalty and fidelity' may be considered by some reporting officers as being opposed to each other. A person who has shown extraordinary initiative may not be considered loyal. The judgments on such qualities would then invariably depend upon the reporting officers' ability to objectively assess these qualities. Finally, there is the difficulty of integrating the assessments of separate qualities into a general assessment. Some officers would give preponderating weight to some character traits while others would give such weight to other traits, in making general assessments. This only shows that different criteria would be adopted by various reporting officers in the final assessment of the reportees. It would then be "almost necessary to devise 'a co-efficient of marking ability' for each reporting officer in order to bring each report to a common denominator, a fantastic idea perhaps, but one that at least suggests the almost insurmountable difficulty of devising a just scheme of comparison for a promotion system in a large-scale organisation."¹

Attempts at Improving Efficiency Reporting Devices in the U.S., U.K., Canada and Australia

Several attempts have been made, notably in the United States, Canada and Britain, to improve the efficiency reporting form so as to enable the reporting officers to make as accurate assessments as possible. The early practice in the U.S. was to make rating on the graphic rating scale. The rating form included fifteen traits against

¹ Gladden, *op. cit.*, p. 193.

each of which was placed a horizontal line along which were five sub-divisions with appropriate adjectives under each, indicating the degree in which the characteristics to be checked were possessed. This form of rating was substantially modified in 1935 and since then there has been a gradual retreat from the graphic rating scale. Before 1950 some federal departments and agencies used the numerical performance rating. These forms of rating were done away with under the Performance Rating Act of 1950, though for non-supervisory positions a numerical performance rating form is still in use. The Performance Rating Act requires that each agency will frame its own performance rating plan under the supervision of the Civil Service Commission. It requires ratings to be made on at least three sub-divisions—outstanding, satisfactory and unsatisfactory, instead of the old five sub-divisions with adjectives. The form contains a number of items to be rated such as effectiveness in presenting ideas or facts, industry, ability to organise work, co-operativeness, initiative, resourcefulness, physical fitness for work, effectiveness in relation to subordinates, ability to make decisions, etc. Each of these items is provided with some pointers and the reporting officer has to mark each of these items as outstanding, satisfactory or unsatisfactory. At the end of the form there is space for general assessment on the same three-fold basis. Under the Performance Rating Act, no employee can be rated as unsatisfactory without a ninety-day prior warning and a reasonable opportunity to demonstrate satisfactory performance. Every employee is entitled to make an appeal to the administrative agency concerned for a review of his performance rating. Each bureau or agency has a Board of Review consisting of a member selected by the management, one selected by employees and the Chairman designated by the Civil Service Commission which reviews the merits of the rating.

The performance rating system of the U.S. has been now found to be defective in certain respects. The procedural safeguards surrounding 'unsatisfactory' rating being elaborate and the standards set for 'outstanding' ratings being very high, there is a common tendency to give a rating of 'satisfactory'. About 98 per cent of the ratings fall in this category. Such ratings, therefore, hardly provide a means of measuring the relative merits of employees. Another defect of the U.S. federal performance rating system, as the Second Hoover Commission (1955) pointed out, was the expense and time involved in operating an elaborate appeals machinery.¹

The present rating form used in Canada² was introduced in

1 See a mimeographed note on "Weaknesses of the Present Performance Rating System." College and Foreign Visitor Programme, U.S. Civil Service Commission, Jan., 1955.

2 The Form is reproduced in Appendix 'B', *Infra*.

1956 in place of the old form which was in use since 1948. The form now provides for rating on (1) job performance, (2) general ability, (3) personal qualities, (4) work habits, and (5) potential growth. Each of these factors is divided into six to eight sub-factors which have to be assessed by means of a marking on the following scale : E - Unsatisfactory; D - Low Average; C - Average; B - Higher Average; and A - Outstanding. General rating has also to be made on the same scale on the basis of factor-ratings. The ratings are made once a year and must be signed by the immediate supervisor and reviewing officer with special comments on strength and weaknesses.

The report forms used in Britain are in principle similar to those used in Canada but contain more specific sub-divisions of the factors to be rated than are signified by the terms outstanding, higher average, average, low average and unsatisfactory. Two forms are used in Britain : the Form A for higher grades and Form B for lower grades.¹ Each form consists of three aspects : (A) the assessment of the officer's qualities and performance on the present job under such headings as responsibility, relations with colleagues, penetration, constructive power, judgment, expression, in Form A; and approach to work, output, accuracy, expression and cooperation with others, in Form B; (B) an over-all grading for qualities and performance of duties to be indicated by- (1) outstanding exceptional calibre in personality, capacity and performance, (2) very good—a very able and effective officer, (3) good—an efficient officer, (4) fair—performs duties moderately or (5) unsatisfactory—definitely not upto the duties of the grade; and (C) fitness for promotion to be indicated by marking (1) satisfactory, (2) very well, or (3) exceptionally well, if the reportee is judged capable; and if the reportee is not judged capable, whether he is (4) likely to qualify in time or (5) unlikely to qualify in time.

The merit of the British reporting forms is that they are suitably adapted to meet the needs of officers of the higher and lower grades. Further, each quality or aspect of work is defined as accurately as possible by means of descriptive phrases so as to cover the entire range of the quality or aspect of work. The descriptive sub-divisions of different qualities or aspects of work are designed to enable the reporting officers to assess the reportees as accurately as possible. Although the mere adoption of the forms of reporting does not solve the problem of efficient reporting, it is for consideration whether the Report Forms 'A' and 'B' used in Britain can be introduced in India for efficiency rating.

Even when the best possible efficiency rating form is devised,

1 The Forms A and B used in Great Britain and the Australian Reporting Form are reproduced in Appendix 'B', *Infra*.

the final assessment would inevitably embrace a number of subjective judgments. Such reports, to use Gladden's phrase, can present little more than "an emasculated version of a real personality." When promotions are made only on the basis of annual reports, Gladden concludes, they are not based on any objectively ascertained merit but on that of purely subjective judgements of the reporting officers.

Parkinson's Law in Reporting

The usefulness of efficiency reports for promotions would depend in the first place on the judgment of the reporting officers and, in the second place, on the existence of a central machinery for equating the reports and other information and ironing out differences arising out of the subjective judgements of reporting officers. Regarding the latter, the problem has not so far received any attention by the Governments and Public Service Commissions in India. It may be worthwhile for the General Administration Departments in the States and the Home Affairs Ministry at the Centre to devise some machinery for ironing out the differences arising out of personal and subjective judgments. As to the former, as Dunham says, the qualifications of the reporters vary from "exceptionally well qualified" to "not yet qualified and possibly never will be." There are some who are always optimistic about their subordinates and others who are over-critical about them. Then, there are those who are unduly influenced by personal, regional and communal considerations and those who base their judgments on flattery. As in other fields, Parkinson's Law operates in the process of judgment-making. According to one of the Parkinson's Laws, the superior officer tends to increase the inferior officers but not his competitors. In regard to reporting, this implies that the superior officer would tend to praise the performance of such subordinate officers who are not likely to prove his competitors, but he would tend to condemn and pass strictures against the performance and abilities of those subordinate officers who are really capable and are likely to prove his competitors. This tendency prevails in all countries but more so in India where judgments are often influenced by personal relationships and not by intrinsic merit. Thus the Parkinson's Law may be said to govern basically the process of efficiency reporting and consequently, of promotion.

Need for Training in Efficiency Reporting

In any performance rating device, the objectivity, integrity and ability of supervising officers in judging their subordinates is of the greatest consequence. "However perfect a system has been devised,"

1 *The Civil Service : Some Human Aspects*, George Allen & Unwin Ltd., London, 1956, p. 65.

as Winifred Raphael observes, "it will be useless or worse than useless unless it is completed by trained, impartial and interested raters."¹ Dr. Gladden also comments on the general lack of training on the part of reporting officers in the British Civil Service by observing that the important task of reporting is given to the members of the appropriate grade often with little training as it is lightly assumed that this ability is acquired by the senior as he goes along.² Dr. Gladden's observation is applicable to the reporting conditions in India with even greater force than in the case of the British Civil Service. It is desirable to devise an appropriate method of training the raters in India. Among the various elements of such training emphasis may be placed on the recognition of the importance of judgements both to the subordinates and their raters as in some position accurate judgment of subordinates is an essential supervisory ability. The raters may be shown how each ability or factor should be considered separately and be warned against the 'halo' effect. The raters should be asked to rate experimentally a group of people known both to them and to some experienced raters followed by constructive criticism of judgements.

Subjectivity in Reporting

In India the annual confidential reports are generally written in haphazard and unsystematic manner. The Public Service Commissions usually criticise the irresponsible manner in which the reports are written and maintained by the reporting officer. The Bombay Commission reported in 1954 that "In a large number of cases reports were not recorded from year to year; in some cases the reports were written up for several years only after a request for the complete record was made by the Commission. In some cases the original reports were subsequently modified and no indication was given whether the modifications were accepted by the Department."³ The same Commission noticed in 1955 some cases in which unfavourable reports on officers which were accepted as correct at the time they were made were later rejected by Government as biased or inaccurate."⁴ In 1954, the Uttar Pradesh Public Service Commission commented that "in certain character rolls sent to them there were no entries at all for a number of years and in certain others, entries were made for several years together on one and same date or in wrong

1 In "The Efficiency of Efficiency Rating Systems," *Journal of Public Administration*, London, Vol. XI, No. 1, Jan. 1933, p. 76.

2 Gladden, *op. cit.* Cf. The following observation of L.D. White: "It is indeed now generally held that the form of the rating instrument is less important than thorough training of the rating officers in the art of evaluating subordinates." *Introduction to the Study of Public Administration*, Macmillan Co., New York, 1955, p. 392.

3 *Annual Report*, 1953-54, p. 15.

4 *Annual Report*, 1954-55, p. 12.

columns."¹ Similarly the Madhya Pradesh Public Service Commission observed in 1953 "that in several cases the entries made in the personal confidential files of the officer failed to give a complete picture of their work and personality. Very often the observations were sketchy, casual and indifferent and they bore little evidence of a close study and proper estimation of the work of the officer reported upon."² The other Commissions have likewise commented on the irregular and careless way in which the reports are written, making it difficult for the Commissions to assess the competence of the officer reported upon—much less to assess their relative merits. Some reports contain such internal contradictions as to make them highly suspect.³ Another defect in reporting referred to by the Commissions is that in a large number of cases adverse remarks are not communicated to the officers concerned as required under the rules.

Need for Attaching More Responsibility to Reporting

It is clear that if reports are to be of any use in making promotions, considerable improvement needs to be introduced in the present reporting system followed in India. In addition to the adoption of suitable annual reporting forms and the provision for some training in the art of evaluating subordinates as suggested earlier, improvement in two other respects will have to be effected in the reporting system. In the first place more responsibility should be attached to the task of reporting than what is done at present. In the cases of reporting officers who do not show proper care in writing reports regularly or who base their judgements on personal, communal or regional considerations, Government should take proper disciplinary action against such reporting officers which may serve as a check on other reporting officers. In the second place, the reviewing officers should scrutinise the reports more carefully and bring to the notice of the reporting officers any defect in the reports for necessary correction.⁴

1 *Annual Report*, 1953-54, p. 44

2 *Annual Report*, 1953, p. 27.

3 One Commission referred to the following example of contradictory reports: (1) "Has worked hard———talks a great deal and works less," (2) "Straight and honest———but unreliable and an adept in bringing his superiors into dispute," (3) "Deserves promotion———idle———no control over his range———warned" (4) "Maintains discipline———has no control over his subordinates."

4 A similar suggestion has been made by the recent Central Pay Commission. The Commission observes "The present arrangement of the immediate superior writing a confidential report may continue, but the next higher officer should be required to exercise a positive and independent judgment on the remarks of the reporting officer, and should clearly express his agreement or disagreement with the remarks particularly, if they are adverse." *Digest of the Report*, *Indian Journal of Public Administration*, Vol. VI, No. 1, 1960. p. 86.

Positive Approach of the Reporting System

The reporting system in India is characterised by an excessively negative approach. Once adverse remarks are made by a reporting officer, it is considered that it seals the fate of the reportee. The reporter and reportee then belong to opposite camps, each trying to justify himself. It is no doubt true that an efficiency reporting device in one form or the other is necessary for a sound system of personnel administration. But an over-emphasis on its negative rôle would dampen the enthusiasm of the employees and stifle their progress. The reporting system can also be used for a positive purpose — to help employees in improving their performance or to make their better placements. Our point of view is admirably expressed by Prof. Leonard D. White when he observes: "*The emphasis upon the efficiency record as the automatic and unerring hand of fate—"the moving finger writes and having writ, moves on—" is unwholesome and unnecessary. A new emphasis in which the objective is to aid the employee by calling attention to his weak points, if any, and to facilitate vocational counseling and career possibilities, rather than to concentrate on the negative and policing elements characteristic of earlier practice, might go far to make efficiency rating a greater asset to the public service.*"¹

Need to Introduce an Objective Element in Promotion

We discussed in the preceding pages the chief aspects of the reporting system in India as the confidential annual reports constitute the only basis on which the Public Service Commissions give advice on promotions. Some State Commissions notably in Bihar and West Bengal interview some candidates to supplement their assessment on the basis of confidential annual reports. The Union Commission conducts limited promotional competitions consisting of written examination and interview for promotion to grade III (Assistant Superintendents) of the Central Secretariat Service, and also interviews candidates belonging to the State Administrative and Police Services recommended for promotion to the Indian Administrative Service and the Indian Police Service. With these exceptions, the Public Service Commissions examine promotion cases solely on the basis of the confidential annual reports on the candidates concerned. We may cite here a case which illustrates how these reports almost entirely determine the judgements of the Commissions. "A certain subordinate officer was reported by his superior officer as being 'communal'. The Commission's advice on the case was that the officer concerned should be dismissed from service. The Government did not accept the advice of the Commission and transferred the officer to another district. In the other district, the superior officer, after two years, did not find any communal bias in the subordinate officer

¹ *Introduction to the Study of Public Administration, op. cit., p. 393.*

and, finding his work upto the standard, recommended him for promotion. When Government referred the same case to the Commission, the latter advised the officer's promotion. If the Commissions rely only on the confidential reports, one may be tempted to conclude that promotions are wholly dependent upon the judgments based on the subjective standards, preferences and prejudices of the reporting officers.

We discussed above the defects of the reporting system in India and how it makes it difficult to assess the competence of the officers reported upon. It is, therefore, necessary that some objective element be introduced by the Public Service Commissions in India in the promotion process if promotions are to be made on the basis of merit. One way in which this can be done is through competitive examinations. Limited competitions which are held in the United Kingdom for serving candidates between the ages of 21 and 28 years of the service—wide promotional examinations conducted by the U.S. Civil Service Commission¹ have not received much consideration in India. The use of such competitive examinations for promotion give opportunities to the young officers who possess capacity for advancement. Secondly, such competitions remove any ground for suspicion that promotions depend upon personal considerations. It is thus desirable to introduce in India limited competitive examinations designed to

In the United States the promotional score is determined on the basis of (1) the quantity and quality of pertinent experience, education and training (2) the results of appropriate aptitudes and skills tests (3) supervisory evaluation on the basis of efficiency reports, and (4) group oral interviews. These tests are conducted and the final promotional score determined under the supervision of the Civil Service Commission in the case of service-wide promotions, in the case of promotions restricted to a department or agency, it is done by Departmental Promotion Board. In Canada when promotions are to be made by selection within the department the department sets up a Rating Board of three members out of whom one is nominated by the Civil Service Commission. The Rating Board examines candidates' applications, periodical efficiency rating forms and special reports. The Board then interviews first the supervisors and later, the candidates, and prepares rating list on a maximum of 1000 marks according to the following scheme

	<i>Maximum Marks.</i>
1 Efficiency in the present job (on the basis of periodical efficiency rating)	300
2 Suitability for the higher post (on the basis of special reports made by the supervisor for the post concerned and interview by the Rating Board).	500
3 Seniority (marks are awarded by the Civil Service Commission).	200
Total	1000

provide opportunities to young officers in Class II and Class III Services to enter any of the Class I and Class II Services to which there is direct recruitment by open competitive examinations. In the case of limited competitions for Central or all-India Services, the examination may be open not only to Central Government employees but also to State Government employees and those working under Public Corporations and other undertakings in the public sector. The examination for such limited competitions "should not be of the academic type but such as would test intelligence, power of observation, analysis, and judgment, and knowledge and understanding of public affairs, etc.— in short, the kind of abilities that are required in the higher services."¹ For promotions to grades in which specialised knowledge is necessary it would be useful to introduce qualifying examinations designed to test the working abilities of the candidates. In the case of other promotions, the Public Service Commissions, like the practice followed in the United States and Canada, should interview the candidates eligible for promotion. In assessing the candidates' suitability for promotion it may be suggested that the Public Service Commissions should give equal weightage to (1) the candidates, performance in departmental examinations and interviews, and (2) confidential reports on them.

Need to Provide for Appeals in Promotion Cases

One of the requirements of a sound promotion system is that it should be accepted as just by the employees. A promotion system based on personal and political favouritism would have a detrimental effect on the morale of the employees. It is, therefore, necessary that aggrieved employees must be afforded an opportunity to make appeals to an independent authority. "It is important to the health of the system," as Gladden observes, "for an officer who feels that he has a grievance to be able to get off his chest, as it were..... Securing that justice is done both to the individual civil servant and to the Service as a whole is of extreme importance and a matter to which much more consideration needs to be given."² The provision for appeals against non-promotion is a common feature of the civil services of Britain, U.S.A., Canada and Australia. In Britain such

1 *Vide the Digest of Report of the Second Pay Commission in the Indian Journal of Public Administration*, Vol. VI, No. 1, 1960, p. 86.

2 Gladden, *op. cit.*, pp. 106-107. Another important condition for making the promotion system acceptable to the employees is the association of Whitley Councils in determining the conditions of service of the employees including promotion. In India, similar bodies have been set up at the Centre and in some of the States. These bodies, however, have no resemblance to the Whitley Councils of the U.K., the scope of their effective power being very much limited.

appeals can be made to the Head of the Department ; in the U.S , to the Civil Service Commission or the Departmental Promotion Committee as the case may be; in Canada, to the Civil Service Commission ; and in Australia, to the Promotion Appeals Committee of the State concerned (the Chairman of which is appointed by the Public Service Board). Some such appeal system needs to be introduced in India. Since appeals against disciplinary punishments are referred to the Public Service Commission, it may be proper to refer promotion appeals also to them. It needs to be emphasized here that an effective promotion appeal system whatever machinery may be adopted, pre-supposes a provision for adequate protection to the appellants against any subsequent discriminatory action.

(B) DISCIPLINARY CASES AND APPEALS

Employment in the public service is a privilege, not a right. There are many things a public servant cannot do which are permissible as rights for a private citizen. It is incumbent upon every employee to bear in mind that the service of the public is an honourable calling and that beyond observing certain prohibitions imposed upon him by virtue of his choice of occupation as a Government employee, he has an obligation so to conduct himself in his private as well as his public affairs as to bring credit upon the service as a whole. Every public service, by virtue of its unique position as an occupation, has certain established codes of conduct and standards of efficiency which must be observed by the employees if governmental administration is to be effective. One of the requirements for the efficient management of the business of Government is that offences against established rules of conduct failure to meet up to reasonable standards of performance on the job and other deficiencies of the employees which call into question their suitability for continued employment be dealt with firmly and equitably. Some of these offences are (1) criminal, dishonest, immoral or notoriously disgraceful conduct, (2) inefficiency, (3) negligence or carelessness in the discharge of duties, (4) wilful disobedience or disregard of any lawful order made or given by a person having authority to give such orders, (5) participating in any strike against Government (6) participating in or associating with any political movement or party, (7) receiving emoluments from sources other than Government

1 *Organisation and policy Manual*, U.S Civil Service Commission, Washington, D.C., Section B 3-12 p. 1. One of the best statements of the chief duties and obligations of public servants is contained in the *Report of the Board of Enquiry*, appointed by the Prime Minister to investigate certain statements affecting Civil Servants, H.M.S.O., London, Cmd. 3038, paragraphs 55-59.

on personal or political grounds would not only affect their morale adversely but would also affect their stability and continuity. The guarantee that these important actions against the civil servants would be taken strictly on merits is, theoretically, secured by article 311 as also by providing for their independent examination by the Public Service Commissions.

Procedure Followed in Minor Disciplinary Actions

In the central and all-India Services, minor disciplinary actions of censure, withholding of increments or promotion or recovery from pay of any pecuniary loss caused to Government by negligence or breach of orders are taken according to the following procedure. First the government servant concerned is informed in writing of the proposal to take action against him and the allegations on which it is proposed to be taken and is given an opportunity to make any representation if he desires. Such representation is taken into consideration by the disciplinary authority. The statement of proposed punishment with its supporting allegations is then sent to the Public Service Commission when consultation with it is necessary. The advice of the Commission is regarded as part of the proceedings. The record of proceedings in such cases includes (1) a copy of the intimation to the government servant of the proposal to take action against him, (2) a copy of the statement of allegations communicated to him, (3) the government servant's representation, if any, (4) the advice of the Public Service Commission, if any, and (5) the orders on the case together with the reasons therefor.

Though the procedure described above is followed for minor penalties in State Services, it was pointed out earlier that in the States minor penalties are not referred to Public Service Commissions. Insofar as these punishments affect the record of service of the officers of State Services and their promotion opportunities, it is arguable that in fairness to the persons subjected to disciplinary actions, these minor penalties should also be examined by the Commissions. In the central and all-India Services minor penalties with the exception of suspension are referred to the Union Commission. As an instance of how the power to impose even minor penalties can be misused, a former Chairman of a State Public Service Commission points out: "In one State, a Conservator of Forests was placed under suspension on flimsy grounds and remained under suspension for about three years before he was honourably re-instated on the advice of the Commission."¹ The Bombay Public Service Commission reported in 1952 cases of some officers in the Revenue, Forest and Police Departments who had been under suspension for periods

¹ See Appendix 'D', *Infra*.

ranging from one to four years.¹ The Commission, in particular, drew attention to the case of an officer of the Revenue Department who was placed under suspension for over two years. After the Departmental Enquiry was held, the Divisional Commissioner issued orders reinstating him but withholding his increments for a period of two years. An appeal submitted by the officer to Government was referred to the Commission which came to the conclusion that the suspension of the officer was entirely unjustified. The Commission pointed out to Government that "it would have sufficed to transfer the officer since the investigation of the charges against him would not have been prejudiced if he had been continued on duty elsewhere" and suggested that "the order of suspension should not be passed as a matter of course, as it were, but should be restricted to cases of gross dishonesty or of serious misconduct where the continuance of the officer on duty in any capacity would be harmful"² As such cases continue to occur, the Chairman of a State Commission quoted above suggests that "it would be desirable if high officers (District Officers and above) are not placed under suspension without prior consultation with the Commission"³ In the case of officers below the District Officer, it would be better to adopt the practice of transferring them instead of their suspension in disciplinary cases unless their continuance on duty would be clearly harmful, and in the case of higher officers (the District officers and above), to consult the Public Service Commission before they are suspended from service. If one of the important functions of the Commissions is to afford legitimate protection to the civil servants, not only the suspension cases particularly of higher officers should be referred to the Commissions both at the Centre and in the States but other minor penalties should also be referred to the Commissions as is the practice at the Centre.

Procedure in Major Penalties

The procedure for imposing major penalties of reduction in rank, compulsory retirement, removal and dismissal is based on the protective provision contained in clause (2) of article 311 of the *Constitution*. No order imposing any of these penalties can be passed except after an enquiry has been held, giving "reasonable opportunity" to the accused officer and after the Public Service Commission has been consulted where consultation with it is necessary. The disciplinary authority first frames charges against the accused officer. Such charges together with their supporting allegations are communicated to him in writing and he is required to submit within a period of 10 to 15 days a written statement of his defence and also to state whether he desires

1 *Annual Report, 1951-52*, p. 8.

2 *Ibid.*, pp. 8-9.

3 See Appendix 'D', *Infra*.

to be heard in person. In preparing his defence, the accused officer is entitled to inspect and take extracts from official records. When the accused officer submits a written statement of his defence or if no such statement is received from him within the stipulated period, the disciplinary authority proceeds to enquire into the charges or appoints a Board of Enquiry for the purpose. The enquiring authority, in the course of inquiry, considers the relevant documentary evidence and also takes oral evidence. The accused officer is entitled to cross-examine witnesses examined in support of the charges and to give evidence in person. The record of the enquiry includes (i) the charges framed against the accused officer together with a statement of supporting allegations furnished to him, (ii) his written statement of defence, if any, (iii) the oral evidence taken in the course of the enquiry, (iv) the documentary evidence considered in the course of the enquiry, and (v) a report setting out the findings on each of the charges and the reasons therefore. After the enquiry is over, the accused officer is given a notice of the disciplinary action proposed to be taken against him together with a copy of the report of the enquiring authority and is given a further opportunity to make his representation. The disciplinary authority then sends the entire case to the Public Service Commission when consultation with it is necessary. The records sent to the Commission consist of (i) records of the enquiry, (ii) a copy of the notice given to the accused officer, and (iii) a copy of the representation made in response to such notice, if any.¹ On the basis of these records, the Commissions examine the cases and give advice to the governments, which, in most cases, is accepted.

The Case of Shri H.M. Patel

In order to illustrate how the Commissions deal with the disciplinary cases, some examples of such cases may be given here. (1) The Life Insurance Corporation purchased in June and September 1957 a large number of shares of companies controlled by Shri Mundhra on the advice of Shri H.M. Patel, Principal Finance Secretary to the Government of India. The transactions involved an amount of one crore and twenty-five lacs of rupees. In December 1957 some Members of Parliament criticised strongly the manner and propriety of these deals and demanded an enquiry into them. Thereupon the Government of India appointed a one-man Commission of Enquiry with Justice M.C. Chagla. The Commission examined a number of witnesses including the Finance Minister, the Principal Finance Secretary, and the Chairman of the L.I.C. (Shri G.R. Kamat, I.C.S.) and submitted its report to the Government in February 1958.

¹ See the *Central Services (Classification, Control and Appeal) Rules, 1957*, *All-India Services (Discipline and Appeal) Rules, 1955*, and the *State Services (Classification, Control and Appeal) Rules* for various States.

On the basis of the findings of the Commission of Enquiry, the Government framed the following charges against Shri H.M. Patel :—

1. That Shri H.M. Patel abused his authority as Principal Finance Secretary in causing the Chairman and Managing Director of the L.I.C. to enter into a transaction with Shri Mundhra for the purchase of a large number of shares by the L.I.C.
2. That he was negligent as he failed to give a clear indication as to the prices to be paid and thereby caused loss to the L.I.C.
3. That in September 1957 he abused his authority by instructing the Chairman of the L.I.C. to purchase more shares of Jessop & Company, Ltd. and Richardson and Crudders, Ltd.
4. That he abused his authority in April 1957 while functioning as Chairman of the L.I.C. in addition to functioning as the Principal Finance Secretary to the Government of India by instructing the Managing Director, without prior consultation with the Investment Committee, to purchase some shares directly through Shri Mundhra instead of through brokers.

Shri Patel submitted his written statement of defence against the above-mentioned charges. Thereafter a Board of Enquiry was appointed in May 1958, consisting of Justice Vivian Bose, Judge of the Supreme Court as Chairman, and Shri Sukumar Sen, I. C. S., Chief Election Commissioner and Shri W.R.S. Sathianadhan, I.C.S., Chief Secretary to the Government of Madras, as members to enquire into the charges. The Board of Enquiry in its report submitted to Government in September 1958 came to the conclusion that charges (3) and (4) were not proved but charges (1) and (2) were proved. The Government after considering the report of the Board of Enquiry provisionally proposed the penalty of removal on Shri Patel. Shri Patel was given another opportunity to show cause why the proposed penalty should not be imposed on him. All these records were then sent to the Union Commission for its advice.

The basic question in Shri Patel's case was whether he acted on his or on the authority of the Minister in charge of the Department. The Union Commission based its advice on the usage followed in the Finance Department. The Finance Department did not follow the practice of reducing to writing the directions of the Minister to his Secretary. The Union Commission pointed out that, "while it might be desirable that important decisions and directions (by the Minister) should ordinarily be reduced to writing, the actual procedure will generally remain a matter of mutual adjustment between a Minister and his Secretary. In any event, the propriety of Shri Patel's conduct

in this case will have to be judged on the basis of the current usage in this regard." The Commission further observed that "the subsequent conduct of the Minister does not indicate that, at any stage he felt that he had not been adequately informed regarding the deal," and concluded that "no blame attaches to Shri Patel with regard to the matters referred to in charges I and II and they consider that, taking into account all the circumstances of the case, he should be exonerated of the charges against him."¹ The Government accepted the advice of the Commission.

A Case in Rajasthan

(2) In 1952 the Government of Rajasthan referred a disciplinary case against an officiating Deputy Commissioner to the Rajasthan Public Service Commission. The charge levelled against the officer was that he indiscriminately issued certificates to Pakistan Muslims for permanent settlement in Marwar and certificates for repeated journey permits in violation of the rules and regulations on the subject and that in doing so he was actuated by communal motives. The Commission held the view that the accused officer issued 'no objection' certificates without insisting on the applicants' attaching attested photographs which was obligatory under the instructions. In the absence of such photographs it was easy for persons other than those for whom the 'no objection' certificates were meant, to return to India on the strength of the certificates. There was thus no means of verifying whether unauthorised persons did not actually so return. Secondly, the Commission found that the accused officer did not make any effort to verify from the police the 'bona fides' or the character and antecedents of the persons in whose favour he issued certificates. This indicated, according to the Commission, that the accused officer was anxious to avoid an independent enquiry and report by the Police. It was further not clear what actual steps he took to satisfy himself of the correct facts and what agency he utilized for the purpose. The Commission was, therefore, of the opinion that the accused officer wilfully neglected the correct procedure in the matter and that in doing so he was actuated by communal motives. The Commission recommended the removal of the accused officer after giving him a reasonable opportunity of showing cause against the action proposed to be taken against him. The Government, however, disagreed with the view of the Commission and pointed out that the accused officer had committed errors in the matter of issuing 'no objection' certificates but that they were not committed wilfully or with

1 Commission's Letter No. F 3-2-59-S A dated 28th April 1959, to the Government of India as quoted in N.C. Roy's *The Civil Service in India*, Calcutta, 1960, *Appendix*.

civil intention. The Government, therefore, felt that the charge that the officer was actuated by communal motives was not established against him and that it would not be advisable in the circumstances to remove the officer from service.¹

The Basis of Judgment by the Commissions :

The Public Service Commissions, in dealing with disciplinary cases, arrive at their conclusions on the basis of an examination of the facts as revealed through the various records and documents sent to them and by applying the principle of natural justice. It is possible to argue that, in some complex cases, a mere examination of paper and documentary evidence may not give a completely realistic picture. In some disciplinary cases there may be involved complex factors of relationship, personal prejudices and manipulation with the result that the real situation may not be depicted through the various papers sent to the Public Service Commissions. It may well be that certain points in a disciplinary case can be clarified if the Commissions are afforded an opportunity to hear the case personally from the accused officer and the officer making charges against him. *Such a practice was followed by the Federal Public Service Commission.* In some cases it may also be useful for a representative of the Commission to informally visit the department to gain a knowledge of the real situation. Informal discussions with the superior officers, colleagues and subordinates of the accused officer can give a much more realistic understanding of some complex disciplinary cases than what is normally possible through a mere perusal of documents.

General Defects in Disciplinary Cases

Two defects are generally noticed by the Public Service Commissions in regard to the disciplinary cases which involve considerable time of the Commissions. Firstly, in a large number of disciplinary cases, especially in the States, correct procedure is not followed in conducting the departmental proceedings. Some of the irregularities committed by the Departments are non-compliance with the prescribed formalities required under clause (2) of article 311 of the *Constitution* and the procedure laid down in the *Classification, Control and Appeal Rules* framed by the respective governments, and the failure to write a regular report containing a proper assessment of the evidence on either side and proper findings on the charges. The situation in this respect has, however, improved during recent years following the rulings given by the various High Courts and the Supreme Court in a number of disciplinary cases involving major penalties and the strong objections taken by the Public Service Commissions against

1. *Annual Report, Rajasthan Public Service Commission, 1951-52p. 10*

such irregularities. Secondly, the departments sometimes take a long time to complete the departmental proceedings. In some extreme cases the departments take time ranging from 1 to 3 years for completing the departmental proceedings. In a large number of cases it is possible for the enquiring officer to expedite the enquires with a consciousness of the importance of disciplinary cases to the affected officers.

When the disciplinary cases are referred to the Commission, in many cases they are not accompanied by all the necessary papers. Every year the Commissions report numerous cases in which there is a long gap between the date of the first receipt of the case by the Commission and the date of the receipt of complete papers and full information. In some cases when the Commission recommend major penalties (and when they are accepted by the governments), considerable time has to be allowed for the accused officers being given an opportunity to show cause under article 311 (2) of the *Constitution*. Commenting on the irregularities committed by the departments and the avoidable delay in the disposal of disciplinary cases, the Union Commission pointed out that "Disciplinary cases are often received by the Commission in an incomplete form. Proper consideration of a disciplinary case can begin only after all relevant papers and information have been received. Any real improvement in the duration of these cases would not be possible unless departmental enquiries are conducted by the officials of government more efficiently and in accordance with the prescribed formalities."¹ As a result of such complaints made by Public Service Commissions, the Union and State Governments have issued instructions to their respective Ministries and Departments to observe the necessary formalities and complete the disciplinary proceedings as expeditiously as possible. But in spite of these instructions, cases of delay and non-compliance with the constitutional provision and executive rules in disciplinary cases continue to occur. It would appear that, although some improvement in this respect is noticeable, no real improvement is possible unless the officers become conscious of the importance of expeditious disposal of disciplinary cases. The Home Affairs Ministry has rightly suggested in this connection that improvement in disposing of disciplinary cases can be effected if "(a) it is impressed upon all concerned that both public interest as well as humanitarian considerations demand that no avoidable delay should occur in the disposal of disciplinary cases; and (b) any failure to give such cases due priority is itself regarded as a dereliction of duty and suitably dealt with."²

1. *Annual Report, 1952-53*, p. 13.

2. Home Affairs Ministry Memorandum No. 39/40/52-Ests., dated 4th Oct. 1952, to all Ministries of the Government of India.

Disciplinary Control in the U. S., U. K., Canada and Australia

The general principle underlying disciplinary control is that if it is to be effective it must be *firmly, promptly and consistently* exercised. It has now come to be widely recognised that for effective disciplinary control, the certainty of punishment for a breach of duty is more important than the severity of punishment. Since in a Department the head has the responsibility for its efficient working, it is necessary that original disciplinary authority should be vested in him. This practice is followed in practically all countries. In Britain, disciplinary powers are exercised by supervising officers. Appeals against disciplinary punishments can be made to the head of the Department. Throughout the United States with the exception of a few States, the head of the department has the responsibility for all disciplinary actions. In the federal civil service, removals are governed by Lloyd-La Follette Act of 1915, under which the affected civil servant is given an opportunity to present his case. For removing an employee the Agency or Bureau head has to file written charges with the Civil Service Commission. The Civil Service Commission also investigates any case involving demotion, suspension, re-assignment or removal if the affected employee establishes a *prima facie* case that (1) the prescribed procedure has not been followed, or (2) the disciplinary penalty was based on political grounds or resulted from discrimination because of race or religion. Within each Department there is provision for appeals against disciplinary actions. Such appeals are heard by the departmental appeals bodies usually consisting of three persons (one is nominated by the head of the department and the others are elected by the employees). Further appeals can be made to the Civil Service Commission on either of the above two grounds. In Canada, the departmental head has the power to impose minor disciplinary punishments. For punishments involving suspension, demotion or dismissal, employees are given full opportunity to present their side of the case to a senior officer of the department nominated by the deputy head and sometimes the Civil Service Commission is asked to help in investigating such cases. The Civil Service Commission is not associated in deciding any disciplinary case except in cases of suspension made by the Deputy Minister. In such cases it is obligatory for the Deputy Minister to report in writing to the Commission which may lift the suspension and restore pay if it thinks the suspension unjust or too severe. Appeals against disciplinary punishments are made to the head of the Department. Similarly in Australia, disciplinary authority is vested in the heads of Departments, but in the case of more serious offences they must be referred to the Public Service Board. If the offence is a minor one,—a caution, reprimand or a fine upto five shillings may be imposed by the chief officer without right to appeal. When the offence is more serious, the affected employee is charged formally and the chief officer, after considering the circumstances and the defence of the employee, may, subject to appeal, fine

him upto five pounds, reduce his salary, reduce him to a lower division, class or position, transfer him to another position or place or recommend to the Public Service Board his dismissal from service. The affected officer has a right of appeal to an Appeal Board against the above-mentioned disciplinary punishments. An Appeal Board is constituted for each of the Departments, consisting of a Chairman qualified as a Stipendiary or Police Magistrate, a representative of the Department concerned and an elected representative of the officers of the Division. The Appeal Board may confirm, annul or vary the punishment imposed but it cannot dismiss an officer. Decisions on dismissals rest only with the Public Service Board.¹

(C) THE APPEAL SYSTEM IN INDIA

In India, the government servants have a right of appeal to the appellate authority against an order imposing any disciplinary penalty or an order which denies or varies to their disadvantage their conditions of service, pay, allowances or pensions. They are also entitled to submit memorials or petitions against any such orders to government. The Union and State Governments, before they issue an order on an appeal against an order imposing any disciplinary penalty made by a subordinate authority or when they propose to over-rule or modify, after consideration of any memorials or petition, any order imposing any disciplinary penalty, have to consult the Public Service Commissions. The appeals which lie to the authorities subordinate to government (for instance, appeals made to the Divisional Commissioner against orders of the Collector or to the Deputy Inspector-General of Police against orders of the District Superintendent of Police) are not referred to the Commissions.² It is only when the appeals lie to government or in cases of memorials or petitions to government in which government proposes to modify the original penalty that the Commissions are consulted. If government proposes to reject any appeal, petition or memorial, it is not necessary to consult the Commissions.²

1 See *Information on the Commonwealth Public Service for the Arbitration Court*, Mimeographed, Public Service Board of Australia, Canberra.

2 For example, an officer dismissed from service by an original order of government passed after consultation with the Commission, submits an appeal, memorial or petition to government against that order. Consultation with the Commission would not be necessary if government proposes to reject it. But if government proposes, on re-consideration, to modify the original order of dismissal into that of reduction to a lower post, consultation with the Commission is necessary. See the *Limitations of Functions Regulations of the Public Service Commissions of Bombay (1951)*, U.P. (1954), Rajasthan (1951), West Bengal (1955), M.P. (1957), Madras (1950), Kerala (1957), Orissa (1950) and the U.P.S.C. (Exemption from Consultation) Regulations, 1958.

Documentary Evidence as Inadequate Basis of Judgment

In dealing with appeals the Commissions arrive at their conclusions on the basis of the record of disciplinary proceedings of the officers concerned and their record of service. As in the case of disciplinary cases, they examine whether the punishment awarded is in the interest of justice to the officers and efficiency of the public service. Here again the criticism made earlier in regard to the materials on which the Commissions base their judgments in disciplinary cases, holds good.

In concluding the discussion on the system of appeals in India two things may be particularly noted here. Firstly, the government departments refer appeal cases to the Commissions after inordinate delay. Many times, as in the case of disciplinary cases, all the records relating to appeal cases are not sent to the Commissions. Further in a number of cases the Government Departments take unduly long time in implementing the recommendations of the Commissions. Some Commissions have reported cases in which the appellants were informed of the orders of Government as much as a year after the Commissions had sent their recommendations. In dealing with appeals there is thus a need for expeditious disposal of such cases. In the second place, the appellants should be given protection against any subsequent discriminatory action if the appeal system is to be of any use. The Commissions uphold appeals in a number of cases, and when the appellants are reinstated in service they are frequently subjected to discriminatory treatment. This, however, is a sphere in which it is the Governments and not the Commissions which have to bring about improvements.

Need to Improve Personnel Management as Part of the Effort to Improve Discipline

There are three features common to the public services of most countries with respect to disciplinary control. The first is that the initiative to propose disciplinary actions is lodged in the operating departments. Secondly, in case of more serious offences the affected officers are given full opportunity to defend themselves. And thirdly, the public servants have a right to appeal to a superior officer, Civil Service Commission or Appeal Board. The latter two provisions constitute the formal safeguards which the modern public service has developed against unfair or arbitrary disciplinary punishments. The real safeguard, however, lies in the integrity of public servants themselves. The formal protective safeguards would be of little avail in a public service characterised by favouritism and discrimination for reasons other than the efficiency of the public service. Prof. Leonard D. White sums up this position well when he says : "Orderly procedure in cases of formal disciplinary action—is a minimum requirement. Protection against removal or discrimination for reasons

other than the good of the service—specifically for reasons of politics, favouratism, race and religion is an essential element in any jurisdiction—. From one point of view elaborate safeguards against removals seem to be consonant with the purposes of the merit system ; but they may in the end convince the public that the merit system is brought at too great a price. In the balance of interests, it is probable that we should avoid independent review of disciplinary action by courts ; that review and decision by a Civil Service Commission or a Board of Appeal should be exceptional and available only for unusual cases and serious penalties , and that *much greater emphasis should be laid on better agency personnel work.*"¹

Need for a Dynamic and Imaginative Approach

To conclude, the promotion, disciplinary control and appeals system in India combines the responsibility and authority of the operating departments with a check on such authority by the Public Service Commissions. Generally the Commissions endeavour to protect the public servants against unfair actions by the executive governments. However, the Commissions can realise this purpose better by improving upon the basis on which they make recommendations. The decision-making process of the Public Service Commissions appears to be formalistic and bureaucratic. What is needed is a dynamic and a scientific approach in arriving at decisions if the Commissions are to function effectively as watch-dogs on the executive departments of Government.

1 *Introduction to the Study of Public Administration*, 2nd ed., p. 401, emphasis ours.

CHAPTER VI

RELATION BETWEEN THE COMMISSIONS AND GOVERNMENTS

In carrying out their functions as discussed in the previous chapters, the Public Service Commissions in India face various problems *vis-a-vis* the executive governments. Historically patronage has been a privilege of governments. Although the sphere of patronage is now limited following the progress in establishing constitutional and democratic governments, it exists in different degrees in various countries. The only exception to this is Britain where under the pressure of strong parliamentary and public opinion, patronage has been substantially eliminated. In India the general trend in this respect is that the governments make attempts to retain their hold on patronage and increase its area wherever possible while the Public Service Commissions generally try to uphold the principle of merit and act as a check on the patronage of governments. In general terms it may be said that the Indian scene reveals a combination of patronage and merit in the public service characteristic of many transitional societies of Asia. In what follows it is proposed to discuss the constitutional and operative position of Public Service Commissions, the ways in which the political executive attempts to retain its hold on patronage and the other problems which the Commissions face in their relation with governments.

Advisory Nature of the Commissions' Functions

Under the *Constitution*, the functions performed by the Public Service Commissions are of an advisory nature. Even the selections made by them on the basis of competitive examinations are advisory, and nothing obliges the executive to appoint the candidates in the order in which they are recommended by the Commissions though usually in practice the highest in order of merit are appointed. The remaining functions of the Commissions relating to the methods to be followed in recruitment to government posts, the principles of appointments, promotions and transfers and the suitability of candidates therefore, disciplinary matters, appeals, and other service matters are similarly advisory. The Commissions make recommendations on these matters which are under their purview but they are not binding on the executive governments. The case for giving the Public Service Commissions an advisory rather than an executive role was put forward by Sir Samuel Hoare, the then Secretary of State for India in 1935. "It was the definite view of the Joint Select Committee", he argued in the House of Commons

during the passage of the Government of India Act of 1935, "and it is the definite view of my advisers here and in India that the Public Service Commissions had much better be advisory. Experience goes to show that they are likely to have more influence if they are advisory than if they have mandatory powers. The danger is that if you give them mandatory powers, you set up two Governments in a Province and two Governments at the Centre, and there is everything to be said against a procedure of that kind. From many points of view, it is much better that they should be advisory."¹ The Central Public Service Commission set up under the Act of 1919 was also vested with advisory functions. Both the then Secretary of State for India and Sir Ross Barker, the first Chairman of the Central Public Service Commission, had expressed doubts regarding the usefulness of Public Service Commissions possessing only advisory functions. In his despatch of 9th April, 1925, the Secretary of State for India raised serious doubts "whether a Commission constituted on the limited advisory basis proposed by the Government of India and ultimately adopted would command the confidence alike of the public and of the service to the degree which was necessary if the latter was to function efficiently."² Sir Ross Barker, also viewed "the powers of the Commission to be defective" and commented that "the original conception of a Public Service Commission was progressively whittled away till little of the original idea survived."³ It is to be noted that the decision to grant advisory functions to Public Service Commissions was taken by the Government of India, Sir Samuel Hoare and the Indian Statutory Commission in disregard of the doubts and criticisms raised by the former Secretary of State and Sir Ross Barker on the basis of their experience of the working of the first Public Service Commission with a limited advisory role.

Constitutional Safeguards for Making the Commissions' Advice Effective

The framers of the Indian *Constitution* have retained the basic feature of Public Service Commissions under the Act of 1935, viz., the advisory character of their functions. They were no doubt seized of the problem of the limited value of such Commissions as is evidenced by the observations made by some members of the Constituent

1 *Parliamentary Debates*, House of Commons, Session 1934-1935, Vol. 300, p. 858.

2 Quoted by Sir Ross Barker in his Memorandum submitted to the Indian Statutory Commission, *Extracts From Oral Evidence*, op. cit., p. 191.

3 *Ibid.*, p. 191.

Assembly.¹ However, in order to make the advisory role of the Commissions effective, the framers of the *Constitution* introduced some safeguards designed to make the advice given by the Commissions as binding as possible on the executive governments. This safeguard lies in the provision that the Commissions will report to the legislatures concerned all cases in which their advice was rejected together with memoranda by the executive governments explaining the reasons for rejecting the Commissions' advice. The implication of this provision is that unless a particular recommendation of the Commissions is demonstrably against public interest, the executive governments should not reject the advice of the Commissions.

Judgments of Calcutta High Court and Supreme Court on whether it is Binding for the Governments to consult the Commissions

A question which has a bearing on the constitutional position of the Commissions *vis-a-vis* the executive governments is whether it is binding on the latter to consult the former on various service questions. Among the High Courts and the Supreme Court there have been differences of opinion on this question. A Division Bench of the Calcutta High Court once held that the word 'shall' in the phrase "shall be consulted" was directory and not mandatory.² A Division Bench of the Calcutta High Court in another case held that it was obligatory for the executive governments to consult the Commissions after having specified the matters in which it was not necessary to consult the Commission.³ A recent ruling given by the Supreme Court on the question whether it is obligatory on the executive governments to consult the Commissions on appeals sums up the position of the Commissions in this respect as interpreted by the Judiciary. The Supreme Court observed : "the provisions of article 320 (3) (c) (and also of (a), (b), (d) and (e)) are not mandatory and non-compliance with their provisions does not afford a cause of action for a public servant in a Court of Law. That does not amount to saying that it is open to the executive government completely to ignore the existence of the Commission or to pick and choose cases in which it may or may not be consulted. Once relevant regulations (under the proviso to article 320) have been made, they are meant to be followed

1 A member said . "I want that the powers of the Public Service Commissions should be of a mandatory character. All matters relating to appointment, promotion and transfer must be solely and exclusively vested in the hands of the Public Service Commissions. I fail to see why this procedure which has not led to any conflict or confusion of authority in the Dominionsshould not be incorporated in our Constitution", *Constituent Assembly Debates, op. cit.*, p 618.

2 *Shivanandan Vs. State of West Bengal*, 1953.

3 *Munna Lal Vs. Scott*, 1955.

in letter and spirit and it goes without saying that consultation with the Commission on all disciplinary matters affecting a public servant has been specifically provided for, in order, first to give an assurance to the Services that a wholly independent body not directly concerned with making of orders adversely affecting public servants has considered the action proposed to be taken against a particular public servant with an open mind ; and secondly, to afford the government unbiased advice and opinion on matters vitally affecting the morale of the Services. It is, therefore, incumbent upon the executive government when it proposes to take any disciplinary action against a public servant to consult the Commission as to whether the action proposed to be taken was justified and was not in excess of the requirements of the situation."¹

Constitutional Implications to be Derived from the Fundamental Principles of Constitutional Government

The above-quoted judgment of the Supreme Court underlines two things regarding Public Service Commissions—the non-mandatory character of the references to be made by the executive governments to the Commissions and the need to get the actions proposed to be taken against public servants examined independently by the Commissions. While the Supreme Court has rightly emphasized that it is incumbent on the executive governments to refer to the Commissions all cases adversely affecting public servants except those which are specifically excluded from their purview, the reasoning that consultation with the Commissions is constitutionally non-mandatory does not appear to be convincing. Indeed one may argue on the basis of the constitutional theory of the Commissions as clarified and made explicit in the above-quoted judgment of the Supreme Court that such a role assigned to the Commissions is inconsistent with the non-mandatory nature of referring various cases adversely affecting the public servants, to the Commissions. It would be a poor reflection on the framers of the *Constitution* who recognised the importance of independent Commissions if, having given advisory functions to the Commissions, they had also contemplated the grant of power to the executive governments to consult or not to consult the Commissions whenever they chose to do so. They must have surely recognised the danger of giving unlimited power to the executive to decide arbitrarily as to when the Commission is or is not to be consulted and the resultant political influences on the services. The proviso to article 320 of the *Constitution* gives the power to the executive to exclude certain matters or posts (to be specified in regulations) from

¹ State of U.P. Vs. Manbodhan Lal Srivasthava, Supreme Court, Sept. 20, 1957, *Juridical Digest*, New Delhi, Vol. III, No. 4, 1957.

the purview of the Commission with the approval of the legislature. It would thus appear that once the executive, under the power granted to it by this proviso, specifies the several matters on which it does not consider it necessary to consult the Commission, it is incumbent on it to consult the Commission on all other matters pertaining to the public services.

All references to the Commissions are made direct by the administrative departments concerned by official letters address to the Secretaries to the Commissions. The relation of the Commissions with the different ministries and departments is co-ordinated by the Home Affairs Ministry in the case of the Union Government and by the General Administration Departments in the case of the State Governments, but in the day-to-day performance of their statutory functions, the Commissions deal directly with the different ministries and departments. After the Commissions have tendered their advice to the ministries or departments, they are generally informed of the action taken on their advice. This information is given to them by sending endorsed copies of communications in which the orders of governments are conveyed to these concerned.

Procedure Followed in Rejecting the Commissions' Advice

The names of candidates selected by the Commissions on the basis of competitive examinations are as a rule accepted by the executive governments. Disagreements between the Commissions and executive governments occur only in cases of direct recruitment, promotion, disciplinary matters and re-employment. Usually when a ministry or department proposes to reject the advice of the Commission, the case in question is sent back to the Commission for reconsideration with further elucidation of facts. After this procedure when it is finally proposed to deviate from or reject the advice of the Commission, the administrative department, in the States, has to show the file of the case to the General Administration Department explaining in details why it is considered desirable to deviate from or reject the advice of the Commission. The case is then considered by a Committee of the Cabinet consisting of the Chief Minister, the Finance or Home Minister and the Minister of the department administratively concerned. In the Union Government when any Ministry proposes to reject the advice of the Commission the case is considered by the government as a whole through the Appointments Sub-Committee of the Cabinet consisting of the Prime Minister, the Home Minister and the Minister administratively concerned with the case. The Finance Minister joins the Appointments Sub-Committee of the Cabinet when the dissenting Ministry happens to be the External Affairs or Home Affairs Ministry. This procedure followed by the Union and State Governments in rejecting the advice of the Commission has acted as a check on arbitrary rejection of their advice. Consequently, the position of the Commissions has been strengthened and

their recommendations are treated with respect at least in the Union and some of the State Governments. It will be clear from the following figures for the Union, Bombay and Rajasthan Commissions how the number of cases in which the Commissions' recommendations are rejected by the executive governments has gradually decreased :—

(See statements showing figures for the Union, Bombay and Rajasthan Commissions on pages 151 to 157).

1. Union Public Service Commission.

Year	Direct Recruitment cases by interview-No. of posts.	Promotion cases	Disciplinary cases including appeals, memorials and petitions.	Grant of extension, re-employment, temporary appointments, regularisation of appointments, confirmation, claims for reimbursement of legal expenses, injury pensions, etc.	No. and nature of cases in which the advice of the Commission was rejected.
1	2	3	4	5	6
1950—51	1018	164 (involving 2215 officers)	Total No. of cases—72. Advice given on —53	Total No. of cases —1753 Advice given on —1058.	1—Promotion 2—Extension of service. 2—Disciplinary cases 1—Re-employment. 1—Extension of service.
1951—52	459	Total No. of cases—134 (4332 officers), Advice given on 113 (4246 officers)	Total No. of cases — 75 Advice given on — 57	Total No. of cases —7400 Advice given on —4023	
1952—53	759	Total No. of cases—228 (3948 officers), Advice given on 160 (3112 officers)	Total No. of cases — 80 Advice given on —54	Total No. of cases —8312 Advice given on —5830	1—Re-employment 1—Recruitment by interview—Change in order of preference.

1	2	3	4	5	6
1953—54	826	Total No. of cases—169 (5368 officers); Advice given on —135 (4779 officers)	Total No. of cases — 84 Advice given on —53	Total No. of cases —7140 Advice given on —4363	4—Extension of Service.
1954—55	1124	Total No. of cases—145 (8014 officers); Advice given on —125 (6196 officers)	Total No. of cases — 107 Advice given on —95	Total No. of cases —7155 Advice given on —4755	1—Recruitment by interview-Government offered higher salary than recommended by the Commission.
1955—56	1825	Total No. of cases—146(7544 officers); Advice given on —121 (5702 officers)	Total No. of cases—97 (one case with drawn by Government).	Total No. of cases —6189 Advice given on —4860	1—Disciplinary cases.
1956—57	2532	Total No. of cases—(a) All-India Services —3247 Officers; (b) Central Services —230 (10260 officers); Advice given on 175 (7614 officers)	Total No. of cases — 184 Advice given on —119	Total No. of cases —7749 Advice given on —5463	1—Disciplinary case.

1	2	3	4	5	6
1957-58	1064	Total No. of cases (a) All-India Services—1985 Officers; (b) Central Services—217 11085 officers; Advice given on 172 (9233 officers)	Total No. of cases —174 Advice given on —136	Total No. of cases —5173 Advice given on —5261	Nil.

*Note :—*The above figures are from the *Annual Reports*. For subsequent years the rejection cases were : 1958-59—Nil ; 1959-60— 1 case of disciplinary action ; 1960-61—recruitment and probation rules and 2 cases of direct recruitment ; 1961-62—1 case of disciplinary action 1962-63— 1 case of disciplinary action ; and 1963-64 — Nil.

2. Bombay Public Service Commission

Year	Direct Re cruitment by interview- No. of can- didates re- commended.	Promotion and Transfers	Disciplinary cases, app- eals, memorials, reimbur- sement of legal expenses, injury pensions, absorp- tion of officers of merged States, re-employment, ex- tension of service, etc.	No. and nature of cases in which the advice of the Commission was rejected.
1	2	3	4	5
1952—53	485	Total No. of cases—310 officers. Advice given on —286 officers.	Total No. of cases — 82 Advice given on — all.	Nil.
1953—54	156	Total No. of cases—458 officers. Advance given on —454 officers.	Total No. of cases — 51 Advice given on — all.	1—Extension of service of an officer by Muni- cipality beyond the date of superannuation. 1—Renewal of appoint- ment by Municipality. 1—Direct recruitment offi- cers by Government at a salary lower than the one recommended by the Commission. 1—Disciplinary case.

1	2	3	4	5
1954—55	154	Total No. of cases—454 officers and 176 officers for Select List. Advice given on—387 officers.	Total No. of cases — 120 Advice given on — 118	1—Disciplinary case.
1955—56	561	Total No. of cases—434 officers and 86 officers for Select List. Advice given on — 422 officers.	Total No. of cases — 76 Advice given on — 68	Nil.
1956—57	670	Total No. of cases—505 officers and 25 officers for Select List. Advice given on — 394 officers.	Total No. of cases — 55 Advice given on — all.	Nil.

*Note :—*The above figures are from *Annual Reports* of the Bombay Public Service Commission.
During 1957—58 and 1958—59, there were no rejection cases.

3. Rajasthan Public Service Commission

Year	Direct Recruitment by interview-No. of candidates recommended.	Promotion and Transfers	Disciplinary cases, appeals, memorials, claims for reimbursement of legal expenses, injury pensions, extension of service, re-employment, absorption of officers of merged States, etc.	No. and nature of cases in which the advice of the Commission was rejected.
1	2	3	4	5
1951-52	601	Total No. of cases — 7 Advice given on — all.	Total No. of cases — 72 Advice given on — 62	4—Direct recruitment: by interview. 2—Appeals. 1—Disciplinary cases.
1953-54	579	Total No. of cases — 20 Advice given on — 7	Total No. of cases — 70 Advice given on — 58	1—Direct recruitment (pending case from 1952-53).
1954-55	538	Total No. of cases 1 20 Advice given on — 12	Total No. of cases — 81 Advice given on — 61	2—Direct recruitment (including one pending cases from 1952-53) 2—Appeals.
1956-57	885	Total No. of cases — 46 Advice given on — 30	Total No. of cases — 120 Advice given on — 91	2—Direct recruitment (including one pending case from 1952-53)

1	2	3	4	5
1957—58	1729	Total No. of cases — 41 Advice given on — 27	Total No. of cases — 143 Advice given on — 110	1—Direct recruitment pending cases from 1952-53.

*Note :—*The above figures are from *Annual Reports* of the Rajasthan Public Service Commission.
The number of cases not accepted by government from 1958-59 to 1962-63 varies between 1 to 5.

In Andhra State, in the year 1955-56, there was no case of rejection of or deviation from the advice of the Commission. The Madras Commission reported 2 cases of direct recruitment, 1 transfer case and 5 disciplinary and appeals cases in which its advice was rejected by government in the year 1955-56. The figures for the various Commissions shown above are only for purposes of illustration. In other States also the trend has been towards the gradual decrease in the number of rejection cases.

Some Cases of the Rejection of Commissions' Advice

It is not always clear whether the executive governments reject the advice of the Commissions, however small the number of such cases may be, with justification. It may be worthwhile here to summarise a few such cases in order to indicate the basis on which generally the Commissions' advice is rejected. (1) In 1950-51, the Union Government wanted to extend the service of the *Director-General of Health Services*. The extension of this officer was considered desirable in order to make his services available to enable government to make suitable arrangements for filling the post in a leisurely and convenient manner. The officer was already given an extension for one year with the concurrence of the Commission and the Commission had then pointed out to government that in the meantime a successor to the post should be selected from among the other qualified officers. In spite of this, government proceeded to confirm the officer and requested the Commission's concurrence for granting him a further extension of two years. The Commission objected against this on the ground that there was no basis for holding that this officer was really so outstanding and indispensable a specialist, and that some of the other officers possessed more competence and qualifications than him to be considered suitable to be promoted to the post of Director-General of Health Services.¹ (2) In the same year an appeal case pertaining to the *Deputy Inspector-General of Police* (an officer belonging to the Indian Police) of Bihar State was referred to the Union Commission. The officer was charged, after an enquiry, with inadequate supervision of the Moharram arrangements in the district under this charge which resulted in a serious communal riot. The enquiry officer who conducted the enquiry exonerated the officer from any blame but did not give him an opportunity to submit his explanation. Despite this, the Government of Bihar proposed to pass an order of censure against the officer. The Union Commission considered that the order of censure against the officer was vitiated by the Commission to give the accused officer an opportunity to offer his explanation before he was condemned and con

1 *Annual Report, 1950-51, U.P.S.C.*

sequently there was a case for *de novo* enquiry. A *de novo* enquiry was, however, not necessary in this case since the accused officer was already exonerated by the enquiry officer from any blame. The Commission advised the Union Government that the officer should be acquitted of the charge and his appeal allowed. The Union Government practically agreed with the view of the Commission but did not consider it proper to interfere in the appeal case as "in such comparatively trifling matters involved in this case they should trust the judgment of the State Government."¹ (3) The West Bengal Public Service Commission was asked in 1952 to recommend three officers from amongst District Sub-Registrars for promotion to three posts of *Departmental District Registrar*. After examining the service records of all eligible officers, the Commission recommended in order of preference three names for promotion. The government accepted the first candidate but expressed their inability to appoint the other two candidates as their appointments involved supersession of two senior officers who, according to government, should have been recommended for promotion. Thereupon in 1953 the Commission again carefully examined the records of all the four officers together and was of the view that the officers originally recommended, though junior, possessed definitely better records of service than either of the officers whose claims were superseded. The advice of the Commission was based on the principle that promotion should go to the most meritorious person, seniority being taken into account only when it is impossible to choose between the two or more officers on grounds of merit alone. The government, however, rejected the Commission's advice and appointed the two senior officers not recommended by the Commission.² (4) In 1951 the Collector of a District in Madras State framed charges against a *Clerk* to the effect that he demanded illegal gratification from several Karnams of the Taluk and that at every stage he delayed the accounts of those who refused to pay that gratification. During the course of enquiry, the accused clerk asked for certain records for perusal before submitting his explanation. Two files of the taluk office were reported to be missing and consequently they could not be made available to him. In the absence of the files, the clerk refused to submit his explanation. At the instance of the Collector, the Revenue Divisional Officer held an oral enquiry and recorded statements from the Karnams. The clerk remained absent even at this enquiry. The Collector then recorded his findings and held the charge against the clerk as proved and issued orders for his dismissal. The clerk submitted an appeal to the Collector who subsequently passed orders compulsorily retiring him from service.

1 *Ibid.*, p. 15.

2 *Annual Report*, West Bengal Public Service Commission, 1953-54.

Against the order of the Collector, the clerk preferred an appeal to the Board of Revenue and after the rejection of his appeal by the Board, submitted a petition to Government which referred the case to the Madras Commission for its advice. The Commission found that the charges against the accused clerk were proved and accordingly advised rejection of the petition. In 1954 the accused clerk again submitted a petition to the Minister of the Revenue Department in which he contended that he could not submit his explanation for want of two missing taluk office files which contained useful information for his defence. The Government referred the case to the Commission for its re-consideration stating that the petitioner was punished on the prejudiced evidence of four Karnams and that his contention has always been that the missing files would show that he was responsible for getting these Karnams punished and that, therefore, there was ample motive for them to depose against him. The Commission adhered to the original view and again advised rejection of the petition. This advice was not accepted by Government. Commenting upon the case, the Commission pointed out that "apart from the fact that such instances of interference by the Government after they themselves had first passed orders rejecting the petition would only encourage corruption in the services, the Government in the Revenue Department by rejecting the Commission's advice in individual cases like this which do not involve any question of policy or imperative reasons and in which the Collector, the Board of Revenue and the Commission were agreed that the petitioner was guilty of corruption, violated the convention established by themselves that the Commission's advice must be accepted, except where matters of policy were involved or where imperative reasons existing for not accepting it."¹

From the few cases described above, it would appear that there is not always clear justification in rejecting the recommendations of the Commissions. It is no doubt true, as we argued in the previous chapter, that the Commissions' recommendations based as they are on mere paper evidence may not be always in the interest of justice and merit. But there is no reason why in such cases the Commissions should not be convinced by the executive governments of the validity of the latter's point of view. In fact on many occasions when the Commissions find any error of judgment on their part, they agree with the views of the executive governments.

Need for Accepting the Commissions' Advice Except in Cases where it is Demonstrably Contrary to Public Interest

1 *Annual Report, 1955-56, Madras Public Service Commission, pp. 30-33.*

All in all, the scheme of the advisory functions of the Public Service Commissions has worked well in practice. A convention has now been more or less established both at the Centre and in most of States to accept the advice of the Commissions in all but a few exceptional circumstances. It is undoubtedly a healthy trend that the number of cases in which the Commissions' advice is rejected has been on the decrease. But from the point of view of creating the confidence of the public in its civil service, it is essential that there should not be even a single case of departure from the advice of the Commissions unless such a departure can be clearly shown to be consistent with the public interest. The fact that the advice of the Commissions is not accepted only in a few cases may not appear to be serious at first sight, but, as rightly emphasized by the Union Commission, "the occurrence of even one or two cases every year creates a highly undesirable precedent".¹ The Commissions' fear that in the present political set-up, personal and political considerations may lead to further unwarranted rejection of their recommendations was expressed in the demand made by them for the provision of a statutory safeguard by Parliament to ensure acceptance of their recommendations. The only safeguard which the Commissions have against arbitrary rejection of their advice is that they bring to the notice of the legislatures concerned such cases through their *Annual Reports*. This safeguard, as we discuss later, can and does prove illusory and largely infructuous with the Government possessing the support of the majority in the legislature and a lack of organised and effective opposition. The existing political system and culture in India, therefore, make it imperative that a convention should be developed on the lines of the convention in regard to the U. K. Civil Service Commission to accept the advice of the Commissions.

Ways in which Commissions are Bypassed.

During the last fifteen years since the establishment of the Public Service Commissions under the new *Constitution*, the executive governments have shown a tendency to by-pass the Commissions or to reduce their usefulness. The urge for patronage suppressed, as it were, by the constitutional requirement to consult the Commissions and act on their advice finds expression in circumventing them or to face them with *fait accompli* in order to push in the favoured candidates or to unduly limit their jurisdiction. This position of the executive governments in relation to the Commissions was well summed up by a State Commission when it observed that there have been "several instances in which irregularities have been committed or the appointing authorities have sought to by-pass the Commission or there has been inordinate delay in giving effect to the Commission's

1 *Annual Report*, 1952-53, Union Public Service Commission, p. 3.

recommendations or in informing the Commission whether there has been any appointment at all. In some instances repeated attempts have been made to ask the Commission to modify their recommendations. Temporary appointments have been made even where there was no immediate urgency and appointments could have been made in the normal course. In several cases the concurrence of the Commission was sought after the expiry of the usual period of six months. Sometimes after the issue of the public advertisement and receipt of applications, the terms of appointment have been modified, thus necessitating fresh advertisement, delay and inconvenience both to the Commission and the candidates".¹ Though these comments regarding the Commission-Government relations were made as early as 1953, they have not lost their validity even at present. The Indian scene thus presents a curious picture. On the one hand the number of cases of rejection of the Commissions' advice has decreased; on the other, the executive governments make attempts to circumvent or by-pass the Commissions through various temporary and other irregular appointments, delay, and limitations on the sphere of the Commissions' functions.

1. Drafting of Advertisements which Favour some Candidates

There are a number of ways in which the executive governments get the favoured candidates appointed. One of these ways is to propose qualifications, age and experience in the requisition forms which virtually has the effect of restricting the field of selection to a particular candidate who may be already holding the post in a temporary capacity. The Union Commission reported in 1951 that "advertisements for posts are often so drafted by Ministers as to tend to restrict the recruitment to the limited circle of persons already holding the posts advertised or analogous posts".² The former Hyderabad Public Service Commission in its annual report for the year 1954-55 also observed: "The Commission have noted that in some of the requisitions received by them the conditions and qualifications appear to be tailored so as to suit only the Departmental candidates".³ Such

1 *Annual Report*, 1952-53, Bihar Public Service Commission, pp. 4-5.

2 *Annual Report*, 1950-51, Union Public Service Commission, p. 9.

3 *Annual Report*, 1954-55, pp. 51-52. The Commission also cited a case regarding the post of Statistical and Public Relations officer. The qualifications and other conditions for this post had been pitched so high that only five candidates applied for it. Four out of the five candidates did not fulfil the conditions regarding age and qualifications with the result that only one candidate—the Departmental Candidate—was found eligible to be called for interview. The Commission objected against this and recommended re-advertisement of the post with suitable modifications in the conditions regarding age and qualifications.

cases were frequently reported by various Public Service Commissions during the first few years after the new *Constitution* came into force. Although the ministries and departments of different governments still adopt this technique to some extent, the Commissions seek to ensure a really competitive selection from a wide field without sacrificing the real requirements of the posts. The Union Commission thus observed in 1955 that "Any proneness to drafting advertisements in order to restrict the recruitment to a limited circle of persons already holding the posts advertised or analogous posts is now rare".¹ In the States, however, this tendency to restrict the field of recruitment to limited candidates still persists. It has been aptly suggested by a retired Chairman of a State Public Service Commission that the Commissions "should carefully scrutinize requisitions received from Government as sometimes they are drafted to favour particular candidates".²

2 Removal of Posts from the Purview of the Commissions.

In some cases in order to appoint the department's "favourite son" to a post, the post is taken out of the purview of the Commission either directly or by some ingenious interpretation of the respective Public Service Commission (Limitation of Functions) Regulations, and the departmental nominee is then appointed to it. The Union Government, for instance, in 1953-54 gave extensions to the incumbents of the posts of Director-General of Health Services, Inspector-General of Forests, Director of Geological Survey of India and a Member (Designs) of the Central Water and Power Commission in disregard of the advice of the Union Commission. The Commission consequently protested against these cases in its fourth *Annual Report*. In 1954, the Government decided, by amending the U.P.S.C. (Consultation) Regulations, that the Commission need not be consulted in respect of grant of extension of service to superannuated officers of Central Service Class I and Class II and passed orders without consulting the Commission. This regulation remained in force till 1958 when it was done away with in the new regulations.³ In another case, the former Saurashtra State Government wrote to the Saurashtra Public Service Commission in 1954 to interview a particular candidate for an appointment in the Planning Directorate. The Commission wrote back saying that it would not be proper to interview only one candidate and that the proper thing would be to advertise the post. The Government then informed the Commission that it intended to

1 *Annual Report, 1954-55* pp. 4-5.

2 *Vide Appendix 'C', infra*

3 *Annual Report, 1954-55, Union Public Service Commission, p. 9.*

take away the post of planning officer from the purview of the Commission on the ground that "recruitment through the Public Service Commission by normal methods would not produce an officer having a background study of the conditions of the State, the problems of the people and proper social outlook to understand their requirements." The Commission protested against this and pointed out to Government that taking into consideration the antecedents of the case, it would create an impression that the post was removed from the purview of the Commission with a view to enable Government to appoint a particular individual. The Government, however, in disregard of the advice of the Commission, excluded the post from the Commission's purview by amending the regulations and appointed their candidate.¹ In 1953, the Rajasthan Public Service Commission, after selection, recommended a candidate for the post of Superintending Engineer in the grade of Rs. 900-50-200. Instead of appointing this candidate, the Rajasthan Government promoted an Executive Engineer to the post and informed the Commission that under Rule 10(b) of the Rajasthan Public Service Commission (Limitation of Functions) Regulations, 1951, an Executive Engineer could be promoted to the post of Superintending Engineer without reference to the Commission. Rule 10(b) of the abovementioned regulations states that it shall not be necessary to consult the Commission on promotion from a lower grade to a higher grade or post within the same service according to the rules of the service provided that, in making promotion from one grade to another, the Commission shall be consulted if direct recruitment to the higher grade may also be made after consulting the Commission. The Government argued that since rules were not framed for promotion to the post of Superintending Engineers, the Commission need not be consulted. The Commission held the view that the post was clearly under its purview as (1) Rules of service for the post in question could only be framed in consultation with the Commission and their absence did not imply that the Government had the power to make promotion without consulting it, (2) the promotion had been made by Government which was the appointing authority, and (3) direct recruitment could also be made to the post in question by the Commission. The Government being in disagreement with the Commission's view, the matter was referred to the Advocate-General, Rajasthan, who also agreed with the view expressed by the Commission. In spite of the legal clarification, Government has not so far given any reply to the Commission, the candidate being allowed to continue in the post of Superintending Engineer.²

In some cases the ministries or departments [cancel the requisi-

1 *Annual Report, 1953-54, Saurashtra Public Service Commission*, p. 9.

2 *Annual Report, 1953-54, Rajasthan Public Service Commission and subsequent Reports*

tions or advertisements after they are issued, on grounds which are not always free from doubt as to their intent. The Union Commission reported 18 posts for which requisitions were cancelled after advertisement but before interview and 19 posts for which requisitions were cancelled after advertisement and interview of candidates for the year 1958-59 and commented that "these cancellations cause inconvenience and hardship to the candidates apart from causing a good deal of avoidable work in the Commission".¹ The cases of cancellation of requisitions and advertisements occur quite frequently in the States also. In the former Bombay State, for instance, the Commission was asked by the Local Self-Government and Public Health Department to advertise a certain teaching post in a Medical College. Shortly after advertisement was issued, the Commission was informed by Government that candidates with post-graduate qualifications in the subjects mentioned in the requisition would not be suitable as they would be required to teach certain other subjects and would have to hold qualifications in these subjects. The Commission subsequently issued another advertisement. The same Department in sending a requisition to the Commission for advertising certain other posts failed to make clear whether the initial pay during the period of probation would remain fixed and, in answer to an enquiry by the Commission, said that the pay would remain fixed. After the posts had been advertised and the candidates invited for interview, the Commission was informed that the Government had fixed the pay during probation at a figure lower than the minimum of the prescribed scale and the Commission was requested to inform the candidates of this change at the interview. The Commission pointed out to the Government that "in the first case the inconvenience caused and the extra expenditure involved in issuing a fresh advertisement could have been avoided if the requisition initially sent had been checked with due regard to the particular requirements of the post. In regard to the second case.....it was very unsatisfactory that a change should have been made in the pay after the posts had been advertised".²

3. Abolition of Posts and their Revival under Different Names

Another technique sometimes followed by the ministries and departments to by-pass the Commissions is to abolish the post and then create it again under a different name. In a certain State, two posts of Director and Deputy Director were advertised and two candidates—A and B—were recommended by the Commission in that order. The Chief Minister, however, preferred B on grounds of religion. He, therefore, abolished the post of Director and appointed A to the post of Deputy Director. A few months later, the post of Director

1 *Annual Report, 1958-59, Union Public Service Commission, p. 8.*

2 *Annual Report, 1954-55, Bombay Public Service Commission, pp. 22-23.*

was revived and on the ground that A was no longer in the field, B was appointed to that post¹ In another case, one post of a Lady Lecturer in Social Studies for a Degree College was referred to the Rajasthan Public Service Commission in 1955. The post was advertised and some applications were received by the Commission. Later on, Government informed the Commission that the post was converted into that of a Lecturer in Sociology² An analogous case can be cited from Orissa. The Orissa Commission recommended, after interview one candidate for the post of Director of Health and Inspector-General of Prisons in 1954. The Government, however, did not approve of the Commission's nominee and decided to split up the post into two separate posts of Director of Health Services and Inspector-General of Prisons. The Government appointed a certain candidate, in consultation with the Commission for the post of Director of Health Services, and for the post of Inspector-General of Prisons they appointed one of the Civil Surgeons without consulting the Commission³

4. Offer of Less Salaries by Government.

Sometimes there are cases in which the governments offer less salaries to the candidates than those which are recommended by the Commissions. In addition to the fact that in such cases candidates do not accept the jobs, they also place the Commissions in an embarrassing position. In the former Bombay State, for instance, the Commission recommended a candidate for the post of Professor of Physiology in 1954 on Rs 440.00 per mensem. According to the requisition sent by Government, a higher start upto Rs 550.00 per mensem was admissible in the case of an exceptionally qualified candidate. The Government, however, offered the candidate a salary of Rs. 380.00 per mensem and informed the Commission that the candidate did not accept the appointment on the terms and conditions offered to him and that the post had been filled by departmental transfer. In the same State, in another case, the Government offered four of the six candidates for the posts of Assistant Engineers recommended by the Commission, starting pay which in each case was substantially less than the pay recommended by the Commission. The Commission rightly held the view that since its recommendations regarding suitability

1 Cited by C.J. Havas, *Report on the Public Service Commissions of British Commonwealth Countries*, op cit, p 160

2 *Annual Report 1956-57*, Rajasthan Public Service Commission, p 6

3 *Annual Report 1954-55*, Orissa Public Service Commission p 20

4 *Annual Report 1953-54*, Bombay Public Service Commission, p 22

5 *Annual Report, 1951-52*, Bombay Public Service Commission, p. 13

could not be separated from its recommendations regarding the appropriate starting pay, Government's offer of less starting pay to the candidates was tantamount to rejection of the Commission's recommendations. Similarly in West Bengal, the Commission was asked by the Medical and Public Health Department in 1952 to select a candidate for the post of a Professor of Bio-Chemistry at the School of Tropical Medicine in the scale of Rs. 550-1200 per mensem. There was also provision for higher initial pay in the scale to a candidate specially qualified and experienced. The Commission after interview recommended a candidate who had exceptional qualifications and experience on the initial salary of Rs. 1200-00 per mensem. The Government, however, was prepared to offer salary lower than the one recommended by the Commission.¹

5. Change in Order of Preference.

In some cases the executive governments also change the order of preference in which the candidates are recommended by the Commission. The Union Commission once recommended a candidate after interview for the post of Chief Statistical Officer, Army Statistical Organisation, Ministry of Defence, in the grade of Rs. 1000-50-1400 per mensem. In making selection the Commission was assisted as usual by a statistician of high standing and a representative of the Ministry. The Government, however, insisted on appointing to the post a candidate graded next below him. The Government had already appointed this candidate (who was graded second by the Commission) to the post on a temporary basis. In the opinion of the Commission, the candidate who was graded first had a most distinguished academic career and also foreign training of a high order in the U.S.A. and was decidedly superior to the candidate placed second in order of preference. Similarly the State Commissions also report cases from time to time in which the executive governments deviate from the order of preference in which candidates are recommended by the Commissions.² Very often it happens that the name of the departmental candidate appointed temporarily does not appear among the first few candidates selected by the Commissions, and by changing the order of preference the ministry or department is able to absorb the temporary candidate in a permanent post. This tendency of the ministries or departments can be counteracted, as suggested by a former Chairman of a State Public Service Commission,³ by following

1 *Annual Report, 1953-54, West Bengal Public Service Commission*, pp. 20-21.

2 See for instance *Annual Reports of the Bihar Public Service Commission for 1950-51, 1951-52, 1952-53, 1953-54, 1954-55 and 1955-56*.

3 *Vide Appendix 'L', infra*.

the practice of recommending as many candidates as there are vacancies to be filled. After recommending candidates equal to the number of vacancies, the Commissions may keep the names of other suitable candidates in reserve list which should be valid for one year.

6. Late Issue of Appointment Orders by Government

Most of the Public Service Commissions report every year a number of cases in which the appointment orders are issued very late by the governments. As a result of such delay some recruitments become infructuous as the candidates who can not afford to wait for long seek their chances elsewhere. The Union Commission, for instance, for the year 1958-59, reported cases of as many as 118 candidates in which offers of appointment were delayed by Government. In most of these cases there was a delay of one year in issuing offers of appointment to the candidates; in three cases the offer was delayed for two years and in one case, for three years.¹ The State Commissions also complain against undue delay by the governments in issuing appointment orders to the candidates. As one Commission put it, "inordinate delay is the burden of the song of the Commission's relationship with government". It is to be noted here that inordinate delay occurs not only in issuing offers of appointment but also in sending references to the Commissions and in implementing their advice on other matters such as disciplinary cases and appeals. This is a common feature characterising the relationship between the Commissions and Governments.

7. Temporary Appointments by Government

The ministries and department of the Union and State Governments have the power to make temporary appointments not exceeding a period of one year in the case of the Union Government and six months in the case of most of the State Governments without consulting their respective Commissions.² The purpose of this power granted to the ministries and departments is to enable them to meet urgent requirements of personnel. It is a reasonable claim that if the ministries and departments are to function efficiently, they must have this power; waiting till the selections are made by the Commissions may delay the execution of administrative work of an urgent nature. Under the existing rules the ministries and departments have to refer all cases of temporary appointments as soon as

1 See Appendix VI of the Annual Report for 1958-59, Union Public Service Commission.

2 See Regulation 4 of the *I P S C. (Exemption from Consultation) Regulations* 1958, and similar rules made for the State Commissions.

they are made, to the Commissions if such appointments are likely to continue for more than a year or six months as the case may be. In actual practice, however, this rule is obeyed more in breach than in observance. The Commissions every year draw attention of the executive governments to the increasing number of temporary appointments where *ex post facto* concurrence of the Commissions is sought without at the same time sending requisitions to the Commissions for filling vacancies in the regular manner. In some of these cases requisitions for filling the posts in the regular manner are not sent to the Commissions even though the ministries and departments know that they would last for more than one year or six months. The Union Commission points out in this connection that power to make temporary appointments was used by ministries and departments "indiscriminately even in cases where it was reasonably clear at the time of making appointments that it would last for a period well beyond one year. The Commission thus continued to come across cases where appointments were initially made by the ministries/departments and referred to the Commission long after the period contemplated in the regulations which provide for "urgent appointments for short periods". For the year 1958-59 the Union Commission reported some 152 posts for which irregular temporary appointments were made; the Rajasthan Commission reported 2167 cases for the year 1957-58 in which its concurrence was sought for extension of the services of temporary persons. Some of these cases reported by the Union Commission are given below :—

Name of post	Date of appointment without consultation with the Commission.	Last date on which reference should have been made.	Date on which reference has been made
1. Director, Indian School of Mines & Applied Geology, Dhanbad.	1- 5-57	1- 5-57	21- 1-59
2. Commercial Investigator.	16-11-53	15-11-54	18-12-58
3. Assistant Director, Indian Bureau of Mines.	25- 1-54	24- 1-55	18- 7-58
4. Assistant Superintendent, Zoological Survey of India.	16-12-55	15- 9-57	1- 4-58
5. Assistant Accounts Officer, Small-Scale Industries Organisation.	8-11-56	7-11-57	24- 9-58

Name of post	Date of appointment without consultation with the Commission.	Last date on which reference should have been made.	Date on which reference has been made.
6. Joint Chief Controller of Imports and Exports.	2- 9-52	1- 9-53	26- 7-'8
7. Deputy Director (Technical) (2 pos's).	14- 5-54 25-10-57	14- 5-54 25-10-57	10- 6-58 10- 6-58
8. Marketing Development Officer.	1- 9-53	31- 5-55	18- 6-58
9. Assistant Director (General) (54 posts)-Food & Agriculture Ministry.	15-11-51 to 2- 9-57	15-11-51 to 2-9 -57	10- 6-58
10. Revenue Assistant Commissioner-Home Affairs Ministry.	10- 1-48	10- 1-49	17- 4-58
11. Assistant Commissioner, Sales Tax, Delhi.	6- 8-51	6- 8-51	6- 2-59
12. Assistant Custodian (55 posts).	22-10-56	21-10-57	12- 6-58
13. Deputy Housing Adviser.	1- 1-57	1- 1-57	8- 4-58
14. Executive Engineer, Hirakund Dam Project.	1- 9-55	1- 9-55	17-12-58
15. Officer on Special Duty—Information & Broadcasting Ministry.	19- 2-52	19- 2-52	11- 2-59

Sources :—Annual Report of the U.P.S.C. for 1958-59.

In a large number of these cases it is noticed that the device of temporary appointments has been used by the ministries and departments to appoint the favoured candidates on permanent posts. It is through the use of this power that the executive governments exercise their patronage. One State Government summed up the

general position and experience in regard to temporary appointments when it said : "It has come to the notice of Government that the provision allowing *ad hoc* appointments being made in cases of emergency *without reference to the Public Service Commission for a period not exceeding six months is being misused by the appointing authorities and a large-scale practice of making temporary appointments and then referring the cases to the Public Service Commission has grown up. Often such references are made after six months. In the requisition sent to the Public Service Commission, practical experience of a particular type of work is sometimes included as one of the required qualifications, and this gives an undue advantage to the person who is appointed on an *ad hoc* basis. The final selection of such persons causes much discontentment and distrust of the fair methods of entry into Government service provided by the Constitution".¹ The Commissions are in a difficult position in considering temporary candidates in the final selection. If the Commissions insist on an open competition at the end of the year, the experience of the candidates temporarily appointed has a distinct advantage over those who do not have that experience; if they have done work satisfactorily and are replaced by other candidates their training is wasted; if the Commissions do not insist on open competition but, finding the temporary candidates well qualified, confirm them in the posts, they fail to provide equality of opportunity guaranteed by the *Constitution*.²

A Suggestion to Solve the Problem of Temporary Appointments.

Perhaps a solution to this difficulty can be found in compelling the ministries and departments to make systematic annual fore-casts of their personnel requirements. In terms of such forecasts, the Public Service Commission should select candidates, through open competition, for temporary appointments. The system of maintaining registers of eligible candidates to be valid for one year from which temporary appointments could be made may also be adopted by the Commissions. Since selection for temporary appointments through competitions would entail some time on the part of the Commissions, some genuine temporary appointments would continue to be made by the ministries and departments. In such cases the executive govern-

1 Circular No. D-8085/F. 14 (2) App'ts. (A /56, P. 11, dated Dec. 11, 1956, Government of Rajasthan, Jaipur.

2 See in this connection *Report on the Public Service Commissions of British Commonwealth Countries*, C.J. Haas, *op cit*, p. 154. Mr. C.J. Hayes raises the question as to why the ministries and departments of Government need not apparently be bound by article 16 of the *Constitution* (guaranteeing equality of opportunity in government service) in making temporary appointments.

ments should issue instructions to the Comptroller and Auditor-General and Accountant-General, as the case may be, not to pay the salaries of these persons after the expiry of the period (one year or six months) for which temporary appointments are authorised unless the Commissions give their concurrence for the same. When the Commissions make final selections in which persons holding posts in a temporary capacity also compete, the Commissions should consider their experience in the same way as other candidates' experience; these candidates should not be selected on the ground that they are doing their jobs well. The Commissions' task is to select the candidates who are likely to do their jobs best, given experience in them.¹ Finally all the Heads of Departments should be asked to forward to the Commissions every month a statement showing all appointments—permanent, temporary or officiating and whether by promotion, transfer or direct recruitment—made during the month. This practice is followed both at the Centre and in the States, but some ministries and departments do not send monthly returns or they omit irregular appointments from such returns. This practice of sending monthly returns to the Commissions needs to be strengthened. The merit of the above suggestions, some of which have been made by some of the Commissions, is that they aim at providing effective checks on the ministries and departments in making temporary appointments.

8. Irregular Appointments by Government

Besides making temporary appointments, the executive governments also tend to by-pass the Commissions by making other irregular appointments. In 1956, for instance, the Ministry of Commerce of the Government of India made recruitment of two Deputy Development Commissioners after interviewing some candidates. One of the officers selected by the Ministry was very junior and the other Officer did not hold any substantive post under Government. The Union Commission did not agree to the departmental *ad hoc* appointment of these officers and commented that "it is the function of the Commission to recruit suitable candidates for posts and services and that it was not in order for the Ministry to have conducted this recruitment themselves without consulting the Commission."² In another case a State Government appointed a Committee in 1957 presided over by the Chairman of the Board of Revenue to select candidates for five posts of Inspector of Revenue Accounts from among Naib Tehsildars. The Committee selected five

1 From *Notes For Private Circulation*, Civil Service Commissions of Britain and Canada.

2 *Annual Report*, 1958-59, Union Public Service Commission, p. 12.

candidates for these posts and later the State Government approached the Commission for its concurrence. The Commission held that "the procedure of selection, adopted in the case was irregular as virtually the Committee appointed by Government was made to assume the statutory functions of the Public Service Commission".¹ Such cases in which candidates are selected by what one Commission sarcastically described as 'Departmental Public Service Commissions', though not as frequent as they were earlier, continue to occur from time to time.

9. Limitations on the Commissions' Functions.

Finally, there are certain limitations imposed by the executive governments, under the proviso to article 320 of the *Constitution*, on the jurisdiction of the Commissions. The executive governments have to place the regulations made for this purpose for at least fourteen days soon after they are made before each House of the Legislature which may repeal or amend the regulations. In some cases the exclusion of posts and services from the purview of the Commissions is made with their agreement while in others it is done without their agreement. Broadly, the posts, services or matters which are excluded from the purview of the Commissions fall into five categories.² (1) In the first category there are certain top posts which are properly the responsibility of the executive governments. For instance, appointments, promotions and transfers of officers belonging to the I.A.S., I.P.S., Central Service, Class I, or of officers belonging to the senior branch of the State Service do not require consultation with the Commission (this includes posts of Collectors, Assistant or Deputy Collectors, District Superintendent of Police, Assistant or Deputy Superintendent of Police, Divisional Commissioners, Secretaries, Additional, Joint or Deputy Secretaries, Inspector-General of Police and Deputy Inspector-General of Police). (2) In this category there are temporary appointments and promotions lasting for a period of one year in the case of the Union Government and six months in the case of most of the States. (3) At the Centre, practically all Class III, and Class IV services and posts are outside the Commission's purview. The Union Commission makes recruitment of Assistant Superintendents, Clerks, Stenographers and Typists in the Central Secretariat. In the States also the position is the same, but in most of the States some of the posts in the

1 Annual Report 1957-58.

2 See Appendix 'C' in which the *I.P.S.C. (Exemption from Consultation) Regulations 1958, as amended upto 1964*, are reproduced. See also similar *Regulations for the Commissions of Bombay (1951), Bihar (1957), Madras (1954), Andhra (1956), Rajasthan (1951), U.P. (1954), West Bengal (1951), Orissa (1951) and M.P. (1957)*.

Class III Services (subordinate) are also under the purview of the Commissions. (4) Then there are a number of miscellaneous posts, appointments and promotions which do not require consultation with the Commission. At the Centre some of these posts are—posts in respect of which the authority to appoint is specifically conferred on the President by the Constitution, posts of Chairmen and Members of any Board, Tribunal, Commission, Committee or similar bodies, Ministers, Ambassadors, High Commissioners, Consuls-General, Representatives, Agents, posts on the personal staff attached to the holders of the above-named posts, posts in the Secretariats of the Lok Sabha and Rajya Sabha, all technical and administrative posts in or under the Atomic Energy Commission, Judicial Commissioners and Additional Judicial Commissioners and District Judges and Additional District Judges in the Union Territories. In the States, the posts excluded in this category from the purview of the Commissions are not uniform. Some of the posts common to the States are—Advocate-General, Advocates for State in the High Court, District Government Pleaders and Public Prosecutors, Law Reporters, posts on the personal and secretariat establishment of the Governor and Private or Personal Secretaries to the Chief Minister and Ministers. In addition to these posts, the State Governments exclude other posts, which vary from State to State, from the purview of the Commissions. In Bombay, for instance, the posts of Director and Deputy Director of Publicity, Information Officer, Public Relations Officer, the News Editor, the Manager, Information Centre, and posts sanctioned in connection with Community Projects if they are to be filled from persons not in government service, are outside the purview of the Commission. In Andhra and Madras States, some of these posts are—District Magistrates in the Criminal Judicial Service, Chief Accountants in the Electricity Department when recruited from the staff of the Indian Audit, Railway Accounts, Postal Accounts and Military Accounts Services, Assistant Textile Commissioners attached to the office of the Directors of Controlled Commodities, Director and Deputy Director of Information and Publicity and all posts in the State Police Subordinate Service. The M.P. Government has, among others, excluded, in this category, the posts of Registrar and Establishment Officer in the Civil Secretariat, Secretary and Under-Secretary to the Legislative Assembly and all posts in the Home Guards Organisation. (5) In this category there are promotion and disciplinary cases. In regard to promotion, in addition to the posts mentioned in (1) to (4) above, promotion posts in the I.A.S. and I.P.S. or promotion from a lower to a higher grade or post within the same service or promotions made by an authority subordinate to or other than Government except those which are mentioned in the respective regulations do not require consultation with the Commissions. At the Centre, and in the States of U.P. and Rajasthan to some extent,

the Commissions are consulted on promotions within the same service. At the Centre, promotions to posts included in an all-India Service or the Indian Foreign Service of officers who are already members of these Services and promotion to Class III Central Services do not require consultation with the Commission. Excepting these, the Commission is consulted on all other promotions. The Union Commission is also consulted on promotion from the State Administrative and Police Services to the I.A.S. and I.P.S. Similarly, the Commissions are not consulted in regard to some disciplinary cases and appeals. At the Centre, the Commission is consulted on disciplinary cases of censure or more serious penalties before the President imposes any of these penalties and on appeals and petitions addressed to the President. The Commission is not consulted on any original disciplinary order made by an authority subordinate to the President (*i.e.* Government), any disciplinary matter affecting a person belonging to Defence Services (Civilian or any such order made under the Central Civil Services safeguarding of National Security) Rules, 1953 or under the Railway Services (Safeguarding of National Security) Rules, 1954. In the States also the Commissions are not consulted on any disciplinary order passed by an authority subordinate to or other than Government, or before the drawing up of the charges against a government servant with a view to disciplinary action or at any stage of disciplinary proceedings until the case is ready for final decision or on any order made under the State Civil Services (Safeguarding of National Security) Rules. The State Commissions are further not consulted on minor disciplinary punishments such as censure, withholding of increment or promotion or suspension pending enquiry into the charges. All major penalties imposed by Government are referred to the Commissions. Similarly all appeals or petitions except those in which government proposes to set aside or modify an order of reduction in rank, removal or dismissal must be referred to the Commissions.

The above list of posts, services and matters excluded from the purview of the Commissions is by no means exhaustive but only illustrative and is intended to give some idea of a large field over which the Commissions have no control. The Commissions usually protest against these diverse limitations on their functions on the ground that they are not consistent with the role assigned to them in a democratic State. While pointing out that the retention of these limitations on their functions is unjustified, the Commissions rightly suggest that these limitations "should be confined strictly to cases in which consultation with the Commission is clearly established to be unnecessary in the Public interest". This was undoubtedly the purpose of the framers of the *Constitution* in making the executive regulations seeking to exclude various posts, services and matters from the purview of the Commissions subject to legislative approval. When a number of posts and services are taken out of the purview of

the Commissions, it cannot be said that the purpose behind it is to subject them to merit principle or that the control of the executive governments over them is exercised in a better way than that of the Commissions except in cases involving questions of political policy. It is almost always seen that the purpose of the executive governments in excluding posts and services from the purview of the Commissions is to acquire patronage over them.

Are some standards and principles being followed by the executive governments in placing limitations on the Commissions' jurisdiction? An examination of the various posts and services excluded from the purview of the Commissions shows that some of them are excluded on good principles. The exclusion, for instance, of posts such as Clerks and Class IV servants is proper as the work they do is of routine type and does not call for assessment of any special ability. Then there are posts with political implications which are properly reserved to the executive governments. These include Ambassadors, High Commissioners, Members of any Commission, Board, Tribunal or Committee, personal assistants to Ministers and to the holders of the above posts, posts in the Secretariats of the legislatures or posts concerned with the administration of the North East Frontier Agency. In the third place, there are top posts which are manned by the officers belonging to the I.C.S., I.A.S., I.P.S., and the Central Services for which discretion should properly remain with the executive. Excluding these posts, there are a number of technical and administrative posts taken out of the purview of the Commissions without any justification in principle. These posts include technical or administrative posts in or under the Atomic Energy Commission, Supervisor of Railway Labour, Director and Deputy Director of Civil Aviation, Assistant Deputy Director-General, Post and Telegraph, Director, Botanical Survey of India, Assistant Director of Intelligence Bureau, Judicial and Additional Judicial Commissioners and District and Additional District Judges in the Union Territories, Director and Deputy Director of Information and Publicity, various posts in connection with the Community Projects, Public Prosecutors and Government Pleaders, District Inspectors of Land Records, Assistant Consolidation Officers and various posts in the State Subordinate Services and the Central Services, Class III. There is no reason why the principle of open recruitment cannot be applied in making selections to these posts. "Even if these posts are highly technical", comments Mr. C. J. Hayes in regard to some of the technical posts mentioned above, "it does not follow that they cannot be satisfactorily filled by open recruitment on merit from the widest qualified field"¹

1 *Report on the Public Service Commissions of British Commonwealth Countries*, op. cit., p. 148.

Under the *U. P. S. C. (Exemption from Consultation) Regulations, 1958*, it is not necessary to consult the Union Commission for making appointments and promotions which involve inter-service transfers. Similarly in the States, the Commissions are not consulted for promotions or transfers of officers belonging to the I. A. S. and I. P. S. This limitation on the function of the Commissions gives the power to the executive governments to promote or transfer officers belonging to these Services. Some State Commissions have criticised the exclusion of these higher posts from their purview. In a country like India where this control leads to the political monopolisation of the administrative wing of government with its accompanying favouritism, the demand for including promotions and transfers in these higher posts under the purview of the Commissions would seem to be justified.

According to article 320 (3) (b) of the *Constitution*, the Commissions are consulted "in making promotions and transfers from one service to another". This clause of the *Constitution* has been interpreted by the Union and State Governments in such a way as to exclude a large field of promotion from the purview of the Commissions. According to the interpretation of the Union and State Governments, the Commissions are to be consulted on promotions only when they are made from one service to another (for instance, from Class II to Class I Service) and not on promotions from one grade to another within the same service (for instance promotion of Deputy Collectors to Collectors in the State Civil Service Class I or of Assistant Engineers to Executive Engineers in the State Service of Engineers). The view held by the Commissions is that the Clause (3) (b) of article 320 of the *Constitution* covers all promotions whether from one service to another or from a lower to a higher grade in the same service. The Union Government, while not considering it obligatory to consult the Commission as regards promotions in the same service (the Commission is also not consulted for promotions in the I. A. S., I. P. S., and I.F.S.) have introduced the system of Departmental Promotion Committees which deal with all promotions to be made on the basis of selection. But in the States, promotions from a lower to a higher grade in the same service are outside the purview of the Commissions. Two arguments can be advanced for bringing promotions from a lower to higher grade in the same service under the purview of the Commissions. Firstly in regard to constitutional interpretation, a plain reading of paragraph (b) of clause (3) of article 320 of the *Constitution* clearly indicates that the phrase "from one service to another" qualifies only the word "transfer" and not the phrase "promotions and transfers". Secondly, apart from the question of interpretation, as the Bombay Commission has argued, "there is no good reason for making a distinction between promotions within a service and those involving transfers from one service to another for purposes of consultation with the Commission since the same general considerations

apply to both kinds of promotions".¹ Fitness for promotion in both the cases is to be decided strictly on merit from the whole field of eligibility which involves an element of selection. The view of the executive governments that promotions within the same service are more or less matters of accrued rights strikes at the root of the merit principle in promotions. The executive governments have partly accented the view of the Commissions on this question by making a provision that the Commissions would be consulted only in those cases of promotions within the same service to which direct recruitment can also be made after consulting them. This, however, still leaves promotions to a large number of posts within the same services in the hands of the executive.

Need for Some Standards to be Followed in Excluding Posts and Services from the Purview of the Commissions—Some Principles Indicated.

It has been discussed above that there is little justification for excluding many posts and services from the purview of the Commissions. As the limitation on the jurisdiction of the Commissions is generally a negation of the principle of merit and as the power granted to the executive governments to exclude posts and services from the purview of the Commissions has been misused by them, some general criteria and standards to be followed by them in making such exclusions may be indicated here. The principle of "public interest" would appear to be the overriding general principle which should form the basis for making these exclusions. But public interest is too general a principle to be properly followed by the political governments particularly in a country where the "public

1 *Annual Report*, Bombay Public Service Commission, 1955-56, p. 11. Also see *Annual Report*, U.P. Public Service Commission, 1953-54, p. 38 and *Annual Report*, Rajasthan Public Service Commission, 1954-55, pp. 74-81.

2 A member of the Constituent Assembly, pointing out the desirability of introducing a principle in terms of which this power should be used by the executive governments, observed: "The grant of unrestricted power by the first proviso (i.e. proviso to article 320 (3)) to choose at the discretion of the Ministry in power would be dangerous. There is a tendency on the part of the Ministries to by-pass even existing rules and if we allow the proviso to stand as it is, it will mean that a particular Ministry may think it necessary to exempt a particular class of service from the jurisdiction of the Public Service Commission.—I want to raise the question of limit (on the use of the power granted by this proviso) as a principle and the limit which I have attempted to put at Rs. 500/- in the case of the U.P.S.C. and Rs. 250/- in the case of the State Commissions is merely a basis for further discussion". *Constituent Assembly Debates*, Vol. IX, No. 15, *op. cit.*, pp. 605-606. This important suggestion, however, did not receive the attention of the other members of the Constituent Assembly with the result, as we have seen above, the power granted to the executive governments in this respect has been generally misused.

philosophy" has not yet taken roots. The general absence of political morality in the country makes it necessary that Parliament should lay down more precise standards and criteria in excluding posts and services from the purview of the Commissions than what can be left to be subsumed under the general principle of public interest. In the first place, posts carrying a monthly salary of Rs. 200/- and below in the case of the State Commissions and Rs. 350/- and below in the case of the Union Commission should be excluded from the purview of the Commissions. This would bring most positions of responsibility under the purview of the Commissions. Secondly, posts with political implications such as Ambassadors, High Commissioners, Members of Commissions, Tribunals or Committees, and Private Secretaries to the Ministers and the holders of the above posts should be outside the Commissions' purview. The justification for the exclusion of these posts is that the incumbents of such posts are required to follow some political policy. Thirdly, top posts such as Chief Secretaries, Cabinet Secretary, Secretaries and Inspectors General of Police through whom the political executive controls the administration should be reserved to the executive governments so far as the placement of these officers is concerned. The governments have the responsibility for running the administration and consequently they must be given the discretion to appoint officers (who already belong to the I.C.S., I.A.S. and I.P.S.) for top posts.¹ These three principles in excluding posts and services from the purview of the Commissions are based on the legitimate claims of governments and the role of the Commissions in maintaining efficient and contented public services.

Need to have a Few More All-India Services.

One of the developing features of Indian administration is regionalization, politicisation and caste influences in administration which impairs its efficiency and the administrative unity of the country. In this context it would be worth while to create a few more all-India services. During recent years the Union Government has constituted the Central Legal Service, Central Health Service, Railway Board Secretariat Service, Defence Science Service and the Industrial Management Pool, recruitment to which is made by the Union Commission. In addition to these Central Services, a case can be made out for constituting the Indian Judicial, Educational and Scientific Services.

In regard to the State Judicial Services, appointment, posting and promotion of District Judges are made by State Governments in

1 The second and third principles discussed above are advocated by Mr. C.J. Hayes in his answers to our questionnaire reproduced in *Appendix 'D', infra.*

consultation with the High Courts. The appointment to posts lower to the District Judges is made by State Governments in consultation with the Commissions, the authority for their posting and promotion being vested in the High Courts. Of late, doubts have been raised in some authoritative quarters whether appointments to some judicial posts including those of High Court Judges are made on grounds of merit and fitness. M.C. Setalvad, the Attorney General of India, in reviewing the general position in regard to judicial appointments in India pointed out, in his inaugural address to the Madras State Lawyers' Conference, that, "Before the advent of independence appointments to the Bench were not infrequently made on considerations other than those of fitness and merit: communal and political considerations often prevailed. It cannot be said that after the attainment of freedom the true tests have been applied to the recruitment of the judiciary".¹ Similarly the Law Commission in its recent *Report* pointed out that "It is widely felt that communal and regional considerations and executive influences (exerted from the highest quarters) have been responsible for some appointments"² in the judiciary. If appointments to the judiciary are made on communal, regional and political grounds, it would have a deleterious effect on the administration of justice which, as Lord Bryce said, is an index of the quality of government. It is worth considering, as suggested by the Law Commission, if an all-India Judicial Service can be constituted in order to eliminate communal, regional and political considerations which sometimes operate in judicial appointments at present. Recruitment to this Service should be made by the Union Commission partly through the same competitive examination as for the Indian Administrative Service, partly by promotion of Class II officers of the State Judicial Service and partly by direct recruitment from the Bar. As in the case of the I.A.S. in which an Assistant Collector can gradually rise to the position of the Secretary at the State and Central levels, the officers of the all-India Judicial Service should also be eligible to rise from the position of Assistant District Judges to that of High Court and Supreme Court Judges. In order to make this scheme work successfully, as the Law Commission has further recommended, it would be necessary to establish a Central Ministry of Justice (as in the U.K.) to exercise general control over placements, promotions and transfers of the officers belonging to this Service.

Similarly the creation of an all-India Educational Service deserves consideration (the service is now being set up by the Government). Before independence the Indian Educational Service attracted able

1 Quoted in "The Legal Notes on The Question of Judicial Appointments", *The Sunday Standard*, Nov. 2, 1958.

2 As reported in *The Times of India*, Feb. 27, 1959.

and qualified teachers but the Service was discontinued as the States did not favour the intrusion of the Centre in their field. It is a truism to say that the academic standards in India have been gradually deteriorating. This is partly due to the recruitment of University and College teachers on grounds other than merit and fitness and partly due to inadequate emoluments and prospects in the teaching profession. To some extent, this problem can be solved by creating an all-India Educational Service with the same scales of salary as are offered to the officers of other all-India Services. Recruitment to this Service should be made by the Union Commission partly on the basis of the same competitive examination as for the I.A.S., partly by promotion of teachers belonging to the State Educational Service and partly by direct recruitment of teachers from the Universities and Colleges. To begin with, each higher educational institution may be made to reserve fifteen to twenty per cent of its teaching posts to the members of the proposed Educational Service who will be under the control of the Central Ministry of Education as regards their placements, promotions and transfers. The medium of instruction in the Universities and Colleges would no doubt create difficulties in the placement of the teachers selected for the Indian Educational Service. This problem, however, can be tackled at the recruitment stage when allowance could be made for the recruitment of teachers knowing particular languages.

It is also for consideration if an all-India Scientific Service can be constituted on the lines of the British Scientific Civil Service. The suicide recently committed by a scientist¹ in India because of insufficient encouragement and consequent frustration despite his outstanding academic career and other attainments is one of the many instances which show that men of talents in science are not encouraged and utilized by the Government in India. In a modern world, science makes enormous contributions to the efficiency of production, to higher standards of living, to improved health and to the means of defence of a country. If science is to play its role in the development of the nation's resources and the promotion of the nation's well being, it is necessary to attract into Government Service 'scientifically qualified men and women of high calibre and to enable them after entry to make the best use of their abilities.'² At present the Government of India have established a Pool of Indian Scientists and Technologists under the controlling authority of the Indian Council of Scientific and Industrial Research. Persons appointed to the Pool are attached to the Central Government and State Industrial Enterprises, National Laboratories and other scientific

1 This relates to Dr. Joseph,

2 *The Scientific Civil Service*, H.M.S.O., London, Cmd. 6679, 1956, p. 1.

institutions. Candidates for the Pool are selected by a Special Recruitment Board consisting of the Chairman or Member of the U.P.S.C. as the Chairman of the Board, representatives of the Ministry of Home Affairs and the Council of Scientific and Industrial Research, and a Scientist and Technologist nominated by Government. In place of this Pool of Scientists and Technologists it would be worthwhile to create an Indian Scientific Service recruitment to which may be made in the same manner as for the Pool. The Service should find admission, among others, of chemists, physicists, chemical technologists, textile engineers, refinery engineers and industrial engineers. If the service is to attract able and qualified scientists and technologists, better conditions of service will have to be provided for them particularly conditions under which their own experimental research could be facilitated and stimulated. The creation of an all-India Scientific Service may be justified on the ground that such an organised service would establish better conditions of service with opportunities for advancement and consequently, it would attract good talents in the country.

Art. 323 as the Safe-guard of the Commissions' Independence

The *Constitution* accords the Public Service Commissions a position in no way subordinate to the Legislature or the Executive. Independent of both the Legislature and the Executive, the Commissions may be regarded as an instrument of the check and balance mechanism, necessary to the machinery of democratic government. However, functioning within the framework of parliamentary system of government, a special responsibility is vested in the Legislature to safeguard the independence of the Commissions and to protect them against arbitrary encroachments on their functions and interference in their working by the executive governments. The Commissions' final safe-guard lies in article 323 of the *Constitution* which enables them to issue annual reports on their working to the Legislature revealing cases in which their advice was not accepted by the Executive. The same article also requires the Executive to submit a memorandum to the Legislature, giving its reasons for rejecting the advice of the Commission. It is in fact through this safety-valve that public education is provided on the civil services *vis-a-vis* political patronage and that the Commissions are able to bring to the notice of the Legislature and the public the irregularities committed by the Executive. Pandit Kuzru had pinned much faith on this instrument of annual reports of the Commissions. If a case occurs in which the Executive rejects the Commission's advice without justification, he argued in the Constituent Assembly, "the Public Service Commission will be able to mention this in the report which will have to be laid before the Legislature. There is a reasonable certainty, therefore, that the Executive will be disposed to act with caution and not

exercise its powers in an arbitrary fashion and act as if the Public Service Commissions did not exist.”¹

Two Conditions Necessary for the Effectiveness of the Safe-guard.

The effectiveness of the safeguard provided by article 323 of the *Constitution* cannot, however, be easily assumed as recent experience in regard to the working of the Commissions has shown. The safeguard, in the first place, pre-supposes independent Public Service Commissions, courageous to criticise the irregular or unconstitutional acts of the executive. Some of the Commissions no doubt criticise the Executive in their annual reports. In fact, in one State, the Chairman of the Commission was asked by Government to withdraw some remarks made in the annual report of the Commission. The Chairman then resigned as he was not prepared to withdraw the remarks. In another State, the annual reports of the Commission for two years were not placed before the Legislature by the State Government as they contained severe strictures against the Government. Some cases are also reported when the Chief Minister or the Ministers approached the Chairman or Members of the Commission to delete certain cases referred to, or dilute the language used, in the annual reports. In some States, the executive governments are successful in influencing the Commissions in such a way that criticisms against them are substantially eliminated from the annual reports. The members of the Commissions who owe their appointment to the Ministry in power would hardly be in a position to criticise that Ministry. The second condition of the utility of the safeguard provided by article 323 lies in the quality of the legislatures. The discussions carried on in the legislatures in India on the annual reports of the Commissions and other related matters make a poor reading. Hardly one notices a critical assessment of the facts referred to in the Commissions annual reports and a searching examination of the irregularities committed by the executive governments, on the floor of the legislatures. It was this lack of watchfulness and critical attitude on the part of the legislature which led the Union Commission to observe some years ago that “it is highly desirable that their annual reports should receive such a consideration and that the attention of the legislature should be focussed on important issues”.² In one State, the Commission has been criticising the irregular appointment of a Superintending Engineer made by the State Government in its annual reports since 1952 ; yet the case has not received an examination by the State Legislature.

1 *Constituent Assembly Debates, op. cit.*, p. 628.

2 *Annual Report, Union Public Service Commission, 1954-55, para. 8.*

The Legislature has an important role to play in laying down proper standards and practices regulating the relation between the Commissions and executive governments—a role which it does not generally fulfil at present to any significant extent. There are, no doubt, some exceptions to this. The *U.P.S.C. (Exemption from Consultation) Regulations of 1958*, for instance, were severely criticised in the Lok Sabha by members belonging to different political parties. But in the States, the legislatures generally do not show a critical interest in the important cases and issues brought out in the annual reports of the Commissions. In this connection the comments of Prof. W.H. Morris-Jones are noteworthy. In his excellent study of the Indian Parliament, he observes that “The importance of ‘educating the new masters’ is one to which reference has already been made— At present there is admittedly too great a gap, in range of experience and degree of ability, between the front and back benches. The result is a tendency—for policy-making and policy criticism to be insufficiently in touch with each other, for the back benches to be idle, frustrated and docile”.¹ Prof. Morris-Jones further suggests the setting up of Parliamentary Committees to close this gap as far as it is reasonably possible to do so and to overcome the absence of an organised opposition. In view of the tendency of the members of the ruling party in the legislature not to displease the Ministers and other party leaders and in the absence of an organised and effective opposition, the device of Legislative Committees composed of the representatives of different political parties in the legislature may well be adopted in our effort to make the ‘new masters’ exercise their responsibilities more effectively in regard to the Public Service Commissions. Small Legislative Committees would be able to examine more thoroughly the annual reports of the Commissions and other related matters than what can be done by the whole House. There can be no more objection to the setting up of Legislative Committees on Public Service Commissions than there is to the existence of the Estimates or Public Accounts Committees which have proved so valuable a device in keeping the Legislature informed of the financial activities of government departments. It may be emphasized here that such Committees should refrain from exercising any political influence on the Commissions. Their function would be to examine important cases and issues brought out in the annual reports of the Commissions and matters relating to limitations on their functions and to focus the attention of the legislatures on them.

1 *Parliament in India*, Longmans, London, 1957, p. 331.

CHAPTER VII

CONCLUSION

Theoretical Purposes.

The Civil or Public Service Commissions are a common feature of most of the democratic governments to-day. Their functions and powers vary from country to country but their basic purpose is the same. One of the best statements of the purpose of these Commissions is contained in the *Report* of the Commission on the Superior Civil Services in India in 1923. The Commission observed :

“Wherever democratic institutions exist, experience has shown that to secure an efficient Civil Service it is essential to protect it, so far as possible, from political or personal influences and to give it that position of stability and security which is vital to its successful working as the impartial and efficient instrument by which Governments, of whatever political complexion, may give effect to their policies. In countries where this principle has been neglected, and where the “spoils system” has taken its place, an inefficient and disorganised Civil Service has been the inevitable result and corruption has been rampant”.¹

Every democratic government has some element of patronage. But if political patronage in the Civil Service is carried to an excessive extent, it would undermine the efficiency of government and make the administration an arm of the ruling party. One of the important objects of the Democratic Welfare State is to bring about improvements in social and economic spheres, standards of living and health and educational conditions and establish an equitable and just social order in which the citizen has the fullest opportunity to develop his personality. An important problem which the modern State faces is in the sphere of implementing its programme of planned development. This purpose would not be realised if the Civil Service is inefficient, corrupt and disorganised. Political patronage in the Civil Service, as the experience of Britain upto the middle of the 19th century and in the U.S. and Canada upto the end of the 19th century has shown, inevitably results in inefficient and disorganised civil Service. A basic condition for the success of the Democratic Welfare State is, therefore, a body of trained and efficient civil servants possessing security and

stability. This body of civil servants, if it is to implement the social and economic objectives of the State, effectively must be recruited on the basis of merit and must be free from political and personal influences in its operation. It is the purpose of the Civil or Public Service Commissions to build up and maintain such a civil service.

The Public Service Commissions can also be viewed as a device in the balance of power arrangements necessary in democratic governments. They provide a check on the democratic recklessness of the political governments in controlling their important arm—the Civil Service. While the administration and control of the Civil Service may legitimately remain under the political executive, it is necessary to ensure that political and personal influences do not operate in the control and administration of the Civil Service. It is the Public Service Commissions which provide a check on, and protection from, political and personal influences operating in the Civil Service. From this point of view the Public Service Commissions can be regarded as constituting the fourth organ of government, with a role as important as that of the Legislature, Executive and Judiciary.

There is another way in which the Public Service Commissions are related to democracy. According to Schumpeter, one of the essential conditions for the success of democracy is "to extend the sphere of public authority without extending the sphere of political decision".¹ The Public Service Commissions may be regarded as embodying an attempt to extend the sphere of public control over the Civil Service without making them a part of the competitive struggle for political power. Like the Judiciary, the Commissions have a non-political and independent status, and the progress of the Democratic Welfare State depends upon strengthening this status, thereby making possible effective public control over the Civil Service.

Powers and Functions of Civil Service Commissions in the U. S. A., U. K., Canada, Australia and India.

As pointed out above, the powers and functions of the Civil or Public Service Commissions vary from country to country. Broadly, the functions performed by these Commissions can be grouped into three categories : (1) recruitment to public service, (2) promotion, disciplinary cases and appeals against disciplinary actions and non-promotions, and (3) fixing of salaries, classification, conditions of service, negotiation with staff associations, organisation and methods, and training. In Britain, the Civil Service Commission is mainly

¹ *Capitalism, Socialism and Democracy*, Harper & Brothers New York, 1950. p. 293.

concerned with the first function. In addition to this, the Commission conducts limited competitions for promotion to the Administrative and Executive Classes and a Civil Service Commissioner is associated with departmental class to class promotions and transfers in the more important classes.¹ Other promotions, disciplinary cases and appeals are the responsibility of individual departments; and the classification, pay, organisation and methods and training are looked after by the Establishment side of the Treasury. The U.S. Civil Service Commission, before the second war, used to perform operating personnel work coming under the three groups of functions mentioned above. But after the war, the functions of the U.S. Civil Service Commission have shifted from those relating to operating personnel work to providing leadership in personnel programmes covering all aspects of personnel management. In addition to making recruitment to Civil Services and setting standards of examinations therefor, the Commission has now a two-fold role in federal personnel administration. In the first place, it serves as a management arm of the President and in that capacity assists him in making top policy decisions and provides leadership, in co-operation with the Bureau of the Budget, in federal personnel administration. Secondly the Commission acts as an operating agency charged with the executive responsibility of administering a number of Federal Civil Service Acts such as the Classification Act of 1949, Veterans' Preference Act of 1944, Civil Service Retirement Act, Federal Employees' Group Life Insurance Act of 1954, Performance Rating Act of 1950 and Incentive Awards Act of 1954. The Commission maintains a system of inspection to determine that equitable and sound application of Statutes, Executive Orders and standards developed by the Commission relating to federal personnel management are carried out by bureaus and agencies of the Government and promotes career development and training programmes. The Commission also acts as an appellate authority in some kinds of disciplinary actions.² The Civil Service Commission of Canada and the Public Service Board of Australia perform all the three groups of functions mentioned above but there are some differences between their powers. The Canadian Civil Service Commission, in addition to making recruitment to federal civil services in accordance with standards laid down by it,

1 *Her Majesty's Civil Service Commissioners : A Note on Their History and Duties* H M S O., London, 1951 and *Reports of the Civil Service Commission from 1954-1955, to 1959-60*

2 *From Basic Acts, Rules and Regulations Governing Employment in the Federal Competitive Civil Service* U.S. Civil Service Commission, Pamphlet 2, U.S. Govt. Printing Office, Washington, 1955, *Organization and Policy Manual*, Chapter A6, U.S. Civil Service Commission, 1955 and *Annual Reports of the Commission from 1951 to 1960*

investigates and reports to the Governor-in-Council on such matters relating to the operation of the Civil Service Act as it considers fit and on matters pertaining to organization and employment, if requested. Further the Commission operates and assists the departments in operating staff development training programmes and makes regulations for the orderly management and discipline of the Civil Service. The Commission hears appeals against non-promotions but not against disciplinary action.¹ The Public Service Board of Australia is responsible for the over-all efficiency, economy and good management of the commonwealth public service and to that end performs functions relating to recruitment, classification, conditions of service, organisation, methods and training. The Public Service Act of 1922 requires the Public Service Board "to examine the business" of each department and to see if there is any inefficiency or lack of economy and "to exercise a critical oversight of the activities" of departments, to keep systematic checks on their work and to institute standard practices. The Board also has some semi-judicial functions. It deals with grievances which any public servant may bring decides promotion appeals when officers in two or more States are involved, and disciplinary cases involving dismissal and appeals against more serious disciplinary punishments.² The Indian Public Service Commissions perform only the first two groups of functions mentioned above. Constitutionally the functions of the Commissions relating to selection, promotion, disciplinary cases, appeal and petitions, confirmation, re-employment, claims for re-imbursment of legal expenses involved in proceedings against their official acts and injury pensions are of an advisory nature. But with a few exceptions the advice of the Commissions is accepted by the executive governments. The Commissions in India are not concerned with classification, pay and other conditions of service, organization, methods and training. These matters are partly the responsibility of the General Administration Departments in the States and the Home Affairs Ministry at the Centre and partly of individual departments. At the Centre, the Organization and Methods Division attached to the Cabinet Secretariat is concerned with the problems of organization and methods of the Union Ministries and Departments, while in some of the States such as Bihar, Maharashtra and Uttar Pradesh, this

1 *The Civil Service Act of 1922*, Canada. This *Act* has now been replaced by a new *Act* passed in 1960 which makes some minor changes in the functions and powers of the Commission. The Commission, for instance, is required under the new *Act* to consult from time to time with the representatives of appropriate organizations and associations of employees with respect to pay and other terms and conditions of government employment.

2 *The Public Service Act of 1922*, Australia and the *Annual Reports* of the Public Service Board for 1954, 1955, and 1956.

function is performed by the O. and M. Units attached to General Administration Departments.

The Civil Service Commissions of the U.S., Canada and Australia were given more controlling powers than those of the U.K. Civil Service Commission because of the conditions prevailing in the Civil Services of these countries. Originally the purpose of the Civil Service Commission was only "to keep the rascals out". But later on in countries such as the U.S. and Canada it was thought that it would be more useful to give more powers and functions to these Commissions in the sphere of personnel administration. Dr. Paul Riper¹ and R. MacGregor Dawson² have given authoritative accounts of the state of affairs prevailing in the public services of the United States and Canada respectively. The public services of these countries were characterised by favouritism and corruption; the frequent operation of political and personal influences led to low morale and inefficiency in the public services. Thus in these countries, in response to civil service reform movement, the Civil Service Commissions were vested with the powers and functions relating to recruitment, classification, pay and other conditions of service, standards of personnel administration, organization, methods and training. In Britain, as pointed out earlier, the Civil Service Commission makes recruitment to public services and is responsible for class to class promotion (which it makes by conducting limited competitive examinations). Departmental promotions, disciplinary cases and appeals are outside the jurisdiction of the Commission. The reason for vesting in the departments the power in regard to promotions, disciplinary cases and appeals has been well brought out by Mr. A.P. Sinker, a former First Civil Service Commissioner of the U.K. He points out that in practice "the tradition of fair-play, ably supported by Staff Associations, ensures that in general justice is done (in promotions) and that at the lower and middle levels the balance is carefully held between the claims of seniority and merit. At the higher levels, where political influence might be expected to enter in, the tradition of non-interference by Ministers seems to be sufficiently firmly rooted to ensure that, with rare exceptions, it does not.—In this country we can safely leave the Departments to paddle their own canoes (in regard to disciplinary control and appeals)—the Civil Servant, although he has no legal status, can appeal to the head of his Department and can, if he wishes, enlist the support of his Staff Association. In practice, if not in law, his position is a strong one. Though perhaps illogical our system works because

1 *The History of the U.S. Civil Service*, New York, 1958.

2 *Civil Service of Canada*, London, 1929.

public opinion would view with such strong disfavour any attempt at victimisation for political or other reasons.¹

The Public Service Commission System in India.

The preceding statement of the powers and position of Public Service Commissions has been given for purposes of explaining the position in India in relation to other countries. The system of Public Service Commission has, of course, to be evolved by each country suited to her conditions and needs. In examining the system of Public Service Commission suited to India, some of the questions which require consideration are :—What are the conditions prevailing in the Indian Public Services and what is the general relationship between politics and administration ? Are the present powers and functions of the Indian Commissions adequate in terms of these conditions ? Are the basic purposes of Public Service Commissions realised in India ? What reasons do account for the gap between the theory and practice of Public Service Commissions ? In what follows an attempt is made to provide some tentative answers to these questions

Characteristics of the Indian Bureaucracy.

The Indian bureaucracy², in its formal aspects, conforms to the classic Weberian model. Max Weber attributed the following characteristic to bureaucracy : (1) the regular activities requisite for the fulfilment of the organization's function are distributed in a fixed way as official duties with precise jurisdictions, (2) the organisation of offices follows the principle of hierarchy, (3) the officials perform their duties in a spirit of formalistic impersonality ; there is a reliance on rules and regulations, written documents, files and records, and (4) the bureaucratic organization is based on technical qualifications and career service.³ It will be admitted that the formal characteristics of hierarchy and authority, professionalization, rules, fixed procedures and impersonality are essential to bureaucratic organizations. But under certain conditions, these characteristics give rise to their dysfunctional and pathological features. The bureaucracy in India exhibits a number of these pathological features.

1 "What are Public Service Commissions for ?", a lecture delivered at the London School of Economics and Political Science, published in the *Journal of Public Administration*, London, Vol. XXXI, 1953, p. 209.

2 This term is used here in the sense of civil officials who man the public services.

3 *Max Weber : Essays in Sociology*, Translated and Edited by Girth and Mills, Oxford University Press, New York. 1946. pp. 197-98.

In the first place, an undue emphasis on fixed authority, rules and procedure has resulted in depersonalized administration which neglects the human element and discourages initiative, resourcefulness and flexibility. Mr. A.D. Gorwala aptly points out in this connection that the Indian bureaucrat "is often obsessed with the binding or inflexible authority of departmental decisions, precedents, arrangements or forms, regardless of how badly or with what injustice they work in particular cases. His respect for regulations and formal procedures rises sometimes to a mania"¹ Dr. Gladden's observations on the British Civil Service are also relevant to the Indian conditions. He describes the British bureaucracy as suffering from the debilitating dichotomy arising from an impersonal civil service mentality on the one hand and the need for a new outlook emphasizing initiative and personality on the other. Dr. Gladden criticizes the loss of "individuality", the growth of "a slave mentality", "premium upon caution", "routine procedure" and "conformity" and emphasizes the need for encouraging independence of mind and resourcefulness. "All human activity", he comments, "emanates from the minds and initiative of individuals. A system that seeks to legislate these out of existence in the interests of mediocrity is already doomed by its state of mind".² Secondly, there is too much self-importance and self-centredness with consequent stratification within the bureaucracy as well as in relation to the outside society. "Their personality", as Dimock observes, "has been submerged in an impersonal environment and they try to compensate by emphasizing the exclusiveness, status, belongingness, autonomy and insulation."³ A class mentality characterises the Indian bureaucracy. The higher administrative classes in India tend to become an authoritarian oligarchy and the distinction between the "we" and the "they" is maintained and strengthened in many subtle ways. The bureaucracy, conscious of its status and power, also tends to insulate itself from society with the result that there is no effective communication between the bureaucracy and the public. In the third place, the Indian bureaucracy is characterised by a tendency to avoid responsibility.⁴ This is partly due to insufficient delegation, partly to excessive importance attached to minor matters and partly to the fear that an independent exercise of responsibility might come into conflict with the superior officers or the Ministers.

1 *On Matters Administrative*, Popular Book Depot, Bombay 1958, p. 125.

2 *Civil Service or Bureaucracy*, op. cit. p. 176.

3 *Administrative Vitality*, Routledge & Kegan Paul, London, 1959, p. 194.

4 In this connection Dr. Paul Appleby observes that "Within the Centre and within the States there is.....a lack of discretion and specific responsibility on the part of those presumed to act and a general inclination not to take decisions". *Public Administration in India : Report of a Survey*, op. cit., p. 11.

In India there is inadequate delegation based on specific responsibility. The public servants are so much attached to routine matters, procedures and decisions that they are usually not prepared to take actions which may require deviation from the accepted ways of doing things. They are also accustomed to paying attention to minor matters than to those of greater importance—a tendency which Parkinson calls the *Law of Triviality*.¹ Fourthly, the bureaucrats often (either by way of compensating for declining individual status or innate sadistic impulse for power) take opportunities to exert their power and make it felt in petty ways. The heads of departments or sections who suffer from what Parkinson terms as 'ingelitis' (combination of one's inefficiency and jealousy of other's efficiency and merit) tend to exercise their power over their subordinates in such a way that their inefficiency is not exposed and that the merit of the subordinates does not find expression. Then there are those bureaucrats who possess a neurotic impulse for power. Of such a bureaucrat Dreyfuss says that he is rendered "a very undesirable co-worker or superior as he is always anxious to exercise and over-reach his power of command and to torture and harass his co-workers."¹ The desire to retain and increase one's power is at the basis of Parkinson's *Law of the Rising Pyramid*. This Law states that the size of staff has no necessary relation to the amount of work done. The reason is that every superior officer desires to multiply the number of assistants who respect and help maintain his authority but not that of his rivals. Thus if a bureaucrat wants to prevent his assistants from becoming a threat to his position, he appoints two assistants where formerly there was only one and they go on sub-dividing *ad infinitum*. The operation of Parkinson's *Law of the Rising Pyramid* as discussed in chapter V, is also at the basis of some appointments, promotions, transfers and other personnel actions.

To these general maladies or pathologies of Indian bureaucracy may be added some more specific ones. Prominent among these are political interference in day to day administration and in personnel decisions, low morale, corruption, yesmanship, and procrastination and undue delay. The bureaucratic power is, no doubt, not independent of the political power but is its servant. The Ministers, therefore, have the responsibility to see that the bureaucracy functions in an efficient and acceptable way. But, as Monsieur Pujet, a Councillor of the Counseil d'Etat of France pointed out, bureaucracy "must not operate in the interest of the rulers or of a directing class" and "must

1 "The time spent on any item of the agenda will be in inverse proportion to the sum involved". See Parkinson's *Laws and Other Studies in Administration*, op. cit., p. 24.

1 Quoted by Marshall E. Dimock in *Administrative Vitality*, op. cit., pp. 113-14.

not be completely subordinate and must be independent of interference by political parties".¹ The tradition of impartiality and freedom from political influences and interference in the civil service has been established in Britain. But this tradition which Lord Atlee considers as "one of the strongest bulwarks of democracy" has not yet been established in India. With his commendable insight into the forces operating in Indian administration, A.D. Gorwala points out that political and personal interference in administration "covers an extensive field". "The effect of interference generally and interference on personal grounds in particular on the officials is", he observes, "even more damaging. It deprives him of that certainty of behaviour which is one of the principal needs of the good civil servant.—He has to ask in connection with every matter not what he ought to do on merits but what it will pay him to do in the light of the views of his political master."² Similarly personnel matters are pervaded by political and personal influences by Ministers and politicians. The merit system in the public service is established by law and protected by procedural safeguards, but its constitutional and legal barricades are undermined by ubiquitous favouritism and political interference. Often in such personnel matters as placement, promotions and transfers, the merit principle yields to the claims of political and personal preferment. It is generally felt that the morale of public services in India has fallen since independence. Morale, implying "the capacity of a group of people to pull together persistently and consistently in pursuit of a common purpose", depends upon adequate emoluments, opportunities for promotion, treatment of subordinate employees as human beings, sound management-employee relations and proper attitude of Ministers and politicians towards public servants. In a recent seminar held by the Indian Institute of Public Administration on this subject, several participants pointed to the defects in the above-mentioned conditions of good morale and underlined the need for "sustained and comprehensive efforts for developing the requisite morale in the public services".³ Corruption is another ubiquitous feature of the Indian bureaucracy. On this question Gorwala aptly observes that "Corruption in all its guises stalks the land unashamed. It is ubiquitous. Cities, towns, villages, all acknowledge its presence and admit its power. Said an opposition member in a State Assembly recently, after alleging corruption and nepotism in high quarters, 'I am sorry, Sir, that these unfortunate things have been said in the august

1 Quoted by Prof. Robson in his essay on "Bureaucracy and Democracy" in *Civil Service in Britain and France* (Ed. by Prof. Robson), *op. cit.*, p. 6.

2 *On Matters Administrative*, *op.*, p. 79.

3 *Morale in the Public Service : Report of a Conference*, January, 3-4, 1959, Indian Institute of Public Administration, New Delhi.

House, but the people outside were feeling too much about these things". Like corruption, yesmanship also pervades the Indian bureaucracy. The young public servant soon realises that a realistic and disinterested assessment and outspokenness are not received very warmly by his immediate superiors and may even lead to his relegation to unimportant work. To quote Gorwala again, "Most men are too anxious to court the pleasure of those who are above them. Why, for instance, a Collector in a State in which Prohibition is the law and is strongly believed in by the Chief Minister, truthfully reports that drinking flourishes quite as much as before and that the law has been reduced to a farce, when he knows that such a report will be received with incredulity, will lead at least to a reprimand and may even bring in its train punishment"?¹ Yesmanship is thus adopted as a technique by most persons for it confers many benefits on them though at the expense of the public interest. Finally, the Indian bureaucracy suffers from procrastination and undue delay. This arises mainly out of an overemphasis on the observance of inflexible rules, procedures and precedents and a lack of willingness on the part of the public servants to take responsibility.²

Against these general dysfunctional and pathological features of the Indian bureaucracy must be set its good characteristics. Many of the public servants especially in the higher echelons possess high calibre, integrity and devotion to public interest. They have shown the ability to tackle various administrative problems connected with developmental planning and to undertake arduous responsibilities attendant upon the assumption by the Welfare State of complex functions. In addition to this, there is in evidence a process of some change of attitude among the public servants from 'ruling servants' to 'serving rulers'. The Indian bureaucracy has shed much of its earlier authoritarianism and lack of responsibility to the public and is now fast becoming a service-bureaucracy.

De-bureaucratization

Prof. Eisenstadt points out that in some countries there may develop concurrent tendencies towards what he calls 'bureaucracy' and 'de-bureaucratization', i.e. towards the development of bureaucratic organization aiming at implementing various goals, providing services and fulfilling important functions and towards the loss of its

1 *On Matters Administrative, op. cit.*, p. 40.

2 Dr. Appleby gives another reason for delay when he says that there takes place "an enormous amount of coordination before the fact of action", *Public Administration in India: Report of a Survey, op. cit.*, p. 11.

professional and autonomous character. These two tendencies may be said to prevail in India. The question is—how can an efficient service—bureaucracy be established? According to Prof. Eisenstadt, the establishment of such a bureaucracy would depend upon “the existence of some equilibrium between professional autonomy and societal (or political) control”.¹ The fundamental problem which, therefore, a modern bureaucracy faces is “how to establish effective control over the bureaucracy and at the same time not to restrict its autonomy to the point of making it impotent, formalistic and inefficient”.²

Need for Improving Personnel Standards and Practices

It will be admitted that many of the maladies of the Indian bureaucracy such as its impersonality, inflexibility, loss of initiative and individuality, class spirit, lack of sound morale, corruption and yesmanship cannot be easily eradicated as they are related to deep underlying socio-cultural, political and economic forces in the country. It is at the same time true that improvements in the bureaucracy and public administration can be brought about by sincere and sustained efforts by the governments. One of the ways in which these improvements can be brought about lies in improving the personnel practices. This view is also supported by the *United Nations Technical Assistance Committee on Public Administration*. The Committee observes that “the most serious defects in public administration are frequently those arising out of inferior personnel practices. Conversely the raising of personnel standards is one of the most substantial ways to achieve lasting results for a sound Public Administration and a stable development programme. Under-developed as well as developed countries may experience sooner than they expect some of the difficulties of personnel administration, unless they are ready to instal some minimum of rational personnel practices *pari passu* with the intensification of their developmental programmes and the proliferation of their staff”.³ The earlier discussion on the Indian bureaucracy has made it clear that personnel practices followed in India are far from satisfactory. Dr. Paul Appleby also found serious defects in the personnel practices and administration in India. He comments that “Personnel administration

1 “Bureaucracy and Bureaucratization : A Trend Report” prepared for the International Sociological Association, *Current Sociology*, Vol. VII, No. 2, 1958, p. 123.

2 *Ibid.*, p. 103.

3 *Standards and Techniques of Public Administration with Special Reference to Technical Assistance for Under-Developed Countries*, U.N. Technical Assistance Committee on Public Administration, New York, 1951, pp. 20-21.

here has too much feudalistic heritage, too little administrative action and human relations orientation", that there are "barriers between classes and services too high", "too little sense of one public service" and that "too little attention is given to the important matter of developing the potentialities of subordinate employees already in service of government".¹ Inadequate salaries and promotional opportunities, inadequate incentives for improving performance and lack of participation of the employees in deciding the conditions of service which affect them are some of the other features which characterise the public personnel administration in India. These inadequacies of personnel administration and management have resulted in the general ineffectiveness of public administration. It is thus clear that the personnel practices in India constitute an important sector in which substantial improvements are needed if the public services are to function as an effective instrument of social change.

As stated earlier, the control over the public services in India is exercised by the Home Affairs and Finance Ministries at the Centre and the General Administration Departments (which are under the charge of the Chief Secretaries) in the States. The Public Service Commissions make recruitment to the higher public services and advise the executive governments on promotions, transfers, disciplinary cases, appeals, re-employment, injury pensions and other personnel matters. This arrangement, however, has not proved to be very effective partly because of the inadequate staff assigned for dealing with personnel questions,² partly because of an inadequate recognition of the importance of initiating a dynamic movement of personnel administration and management and partly because of the negative character of most of the functions of the Public Service Commissions. The problems of patronage, favouritism and deviation from the merit principle in the public services are still big enough to justify opposition to continuing this control with the executive. There are at least three sound reasons why this control should not be vested in the executive. In the first place, the executive is essentially concerned with the formulation of policy and is preoccupied with day-to-day administration; it is, therefore, not in a position to evaluate the public services and give objective and full attention to improving them. Secondly, the Ministries usually have a negative attitude towards change and reform involving public expenditure, and thirdly, the administration still suffers from inertia, conservatism and excessive departmentalism.

1 *Public Administration in India : Report of a Survey, op. cit., pp. 11-30.*

2 At the Centre, for instance, only one officer of the status of Joint Secretary is in charge of the administration of the services. Asok Chanda observes that "This arrangement is proving both inadequate and inappropriate". *Indian Administration*, George Allen & Unwin, London, 1958, p. 138.

Powers of the Commissions in Relation to the Bureaucracy : Need for More Powers.

We may now turn to the question of the adequacy of the functions and powers of the Indian Public Service Commissions in the light of the preceding analysis. The Indian Commissions perform only one positive function, that is, to make recruitment to the public services. The other advisory functions of the Commissions are negative in the sense that the Commissions deal only with such cases which are referred to them. The informal but deciding factors in promotions, the suppression of serious disciplinary cases, political, caste and regional influences on personnel decisions and ubiquitous favouritism and corruption within the departments can hardly be noticed and remedied by the Public Service Commissions with the nature and scope of the functions they have at present. The basic object of the Public Service Commissions is to maintain and strengthen an efficient and contented public service, free from political and personal influences. If this is the fundamental purpose of Public Service Commissions, it is clear that the present largely negative functions of the Commissions do not enable them to fulfil this purpose. It would be much better if, in addition to their present functions and powers, the Commissions are given the power to develop adequate standards in regard to promotions, disciplinary control,¹ management-employee relations and other conditions of service and exercise supervision on the application of these standards by the departments. The supervisory function of the Commissions would enable them to detect particular cases of violation of the standards laid down by them. The Commissions should also be given the power to take actions, in the form of recommendations to the executive governments, against those who violate the standards of the merit system. Although of an advisory nature, this would be the positive power of the Commissions. These additional functions and powers of the Public Service Commissions are essential at least during the transitional period when merit principle is still threatened by patronage. At a later time when merit system and sound personnel practices are firmly established, the additional functions and powers of the Commissions may not be necessary. It has been suggested above that even the additional functions and powers of the Commissions should be advisory. It is in general better to give the Commissions advisory rather than mandatory functions because there must be some room for flexibility in the hands of the executive governments which are responsible for running

1 The standards regarding promotions and disciplinary cases have been evolved by the Commissions in dealing with such cases which are referred to them. What is meant here is that such standards should be clearly defined for the guidance of the ministries and departments.

the administration. This, however, is not to be construed as meaning that they should reject the recommendations of the Commissions whenever it is convenient to them. The check provided on the executive governments in rejecting the advice of the Commissions, if exercised properly by the legislatures, and the development of a convention to accept the advice of the Commissions would, for all practical purposes, give almost a compulsive authority to the recommendations of the Commissions.

Some may object to the extension of the powers and functions of the Commissions on the ground that it would lead to an *imperium in imperio*. Experience shows that such powers of the Civil Service Commissions have not resulted in any *imperium in imperio* in the U.S., Canada, Australia and New Zealand. The Commissions help the executive governments in improving governmental operations by putting the best persons in the public services and improving personnel practices. The Commissions are not opposed to the executive governments except in so far as the latter encourage patronage and political and personal interference in personnel decisions. There would thus appear to be no more antagonism between them in the sphere of public services than there is between the Executive and the Judiciary in the administration of justice.

Conditions for Commissions' Effective Independence

The preceding analysis of the purposes and functions of Public Service Commissions would be incomplete without a discussion of the conditions necessary for their effective independence. The utility of Public Service Commissions lies in their independence; the Commissions without any independence would almost resemble the executive departments carrying out the wishes of the government. Though there are no extreme cases of such Public Service Commissions in India, some of them do not appear to possess that degree of independence which is vital to their successful functioning. There are a number of conditions which are necessary for the effective independence of the Commissions. These conditions may be grouped into (a) formal or external and (b) substantive conditions.

. Formal or External Conditions

In the first place, the method of appointment of the members of the Commissions has a bearing on their independence. Under the existing practice, the members of the Commissions are appointed by the political executive. It was discussed in Chapter II that this method of appointment leaves scope for the appointment of members who are 'safe' and thereby reduces the independence of the Commissions. In some Commissions the executive governments have appointed persons who have not shown any extra-ordinary ability, or persons with previous political associations. Such members can

hardly be expected to act independently. In the light of this experience, as argued earlier, it would be better to vest the power of making appointments to the Commissions in the Union Government. The Union Government, as suggested earlier, should consult persons of the highest public standing in India in assessing the competence and merit of the persons to be appointed on the Commissions. Secondly, the independence of the Commissions would be undermined if their members can be removed by the executive governments according to their convenience. The power to remove a member of any Commission is vested in the President. If the President wants to remove a member on the ground of misbehaviour, he has to refer the case to the Supreme Court and can remove him only with its concurrence. It was argued in Chapter II that this provision contains an adequate safeguard against arbitrary removals of the members of the Commission by the executive governments. Thirdly, the Commissions in India are made independent of the financial control of the legislatures which also gives them a measure of independence. The expenses, salaries, allowances and pensions of the members and staff of the Commissions are charged on the Consolidated Fund of India in the case of the Union Commission and the Consolidated Fund of the States in the case of the State Commissions. A similar provision exists for the Judges of the Supreme Court and High Courts, the Comptroller and Auditor-General of India and the Election Commissioner. This is a wholesome provision and eliminates legislative interference in the working of the Commissions. The fourth formal or external condition provided by the *Constitution* lies in the ineligibility of the members of the Commissions for further appointment to any post under the Union or State Governments except for certain posts on the Commissions only. It is no doubt true that if a member looks forward to his continuation in the same office after his term of office is over or to further employment under government, this very expectation would not enable him to act independently. The spirit behind this statutory limitation on the re-employment of the retired members of the Commissions is sound but it should not be stretched too far. The independence of the members of the Commissions depends mainly upon their quality and ability. It is more the process of appointment and less the expectation of re-employment which affects the independence of the Commissions' members. It is no doubt true that even persons of ability and integrity at times can become victims to the temptation of re-employment. But this need not mean that the services of able retired members of the Commissions cannot be utilized by Government in fields outside the regular administrative departments of Government.

The four conditions discussed above are only formal, external or constitutional as distinguished from the substantive conditions. They are nevertheless essential especially in a country where 'political

and constitutional morality' has not yet developed and where administration is not independent of politics to the degree which is necessary for the proper working of democratic government. The formal conditions have their own role in countries which have recently adopted democratic government.

2. Substantive Conditions.

Among the substantive conditions essential for the independence of the Commissions, the first is the integrity, freedom from caste, political and regional bias and devotion to the ideal of merit, of the Commissions' members. Though all the formal conditions discussed above may exist, the Commissions would not be really independent if their judgments are influenced by castes, communal and regional considerations or if they are subject to political influences. Some members of the Commissions often show a lack of freedom from such a bias. This bias can also unconsciously exist among the Commissions' members in a country where caste, communal and regional considerations often take precedence over those of merit. This evil pervades all the sectors of Indian society—politics, business, culture, education and administration. In view of its all-pervasive character, it is doubtful if the Commissions' members can be entirely free from it. It is of course possible for some persons of outstanding integrity and devotion to public interest to transcend the limitations imposed by the social conditions. It is, therefore, of the utmost importance that the Commissions should be manned by persons "of the highest public standing". Secondly, the independence of the Commissions depends upon non-interference in the working of the Commissions and respect for them by the executive governments. Instances are not wanting which show that Ministers often try to bring undue pressure on the members of the Commissions.¹ This tendency to influence the Commissions coupled with another tendency to sidetrack them or reduce their importance can considerably affect the independence of the Commissions. Once persons possessing the requisite qualifications and integrity are appointed on the Commissions, the executive governments should respect the judgments of the Commissions and all matters which require independent examination by the Commissions in the interest of the efficiency and morale of the public services should be left to them.

As in the case of all governmental institutions, the effective

A Chairman of a State Commission was once approached by the State Home Minister in regard to a certain candidate. In another State, a member of the Commission said that he "had a very sad experience of the State Ministers in their relationship to the Members of the Public Service Commission". Interference in the working of the Commissions is generally common where the members are appointed on political and personal grounds.

working and independence of the Commissions ultimately depends upon "the quality of the human material of politics—the people who man the party machines, are elected to serve in Parliaments, rise to cabinet office".¹ The human material available for politics in any country is shaped and determined by socio-economic conditions, quality of political leadership and the general level of national character which inter-act upon one another. The politicians and ministers who rule the affairs of the people in India, as one critic observes, are by and large "second-raters or even third-raters" and that the ruling party in India "no longer contains men of a stature equal to that of the Prime Minister".² In general there is in India a wide-spread dissatisfaction with the quality of ministers and politicians. "The most vigorous of the intellectually endowed and highly educated go into administration, science, technology, teaching, journalism and even into industry where the rewards are high enough, but *politics*—"party politics"—put them off. So it is that political parties in all democratic countries and the Parliament are unattractive in tone and defective in quality".³ In this connection Dr. C.D. Deshmukh has rightly emphasized that the basic problem in India is that of leadership in politics and government.⁴

The Context of Social Structure, Economic Organisation and Politics.

In the last analysis all institutions of a country are a reflection of the cultural and moral quality of the people. This is determined by the prevailing social structure economic organization of society, the relation between politics and society, the emerging leadership and conditions of education for responsible citizenship. The crisis of civic and political culture in India is often referred to by various critics. Summing up his experience as an officer who served in various capacities in the Union and State Governments and as a Chairman of a State Public Service Commission, a retired officer of the Indian Civil Service concludes : "The fact of the matter is that having been under foreign domination for centuries, we are new to the democratic way of life and have patiently to wait for the democratic virtues to

1 Joseph Schumpeter, *Capitalism, Socialism and Democracy*, Harper & Brothers, New York, 1950, p. 290.

2 V.P. Menon in "Democratic Constitution and its Working", *Opinion*. Special Number, May 1961.

3 Edward Shills in *Democracy in the New States*, Rhodes Seminar Papers, Congress for Cultural Freedom, New Delhi, 1959, pp. 23-24.

4 "Role of the Central Services in Economic Development" *Indian Journal of Public Administration* Vol VII, No. 2, 1961, p. 134. Also see "Meanings of Democracy", Rajni Kothari, *Quest*, Oct.-Dec., 1961. and "Society, Politics and the Citizen", C.N. Bhalerao, *Quest*, Jan—March, 1966.

take root in our body politic—There can be no real improvement in any institution unless there is an improvement in the character of the people". Similarly, Mr. A.P. Sinker, formerly First Civil Service Commissioner of Britain, pointed out that the British Civil Service Commission works independently and without any political pressure because of "the change of heart in this country over questions of public morality, especially on civil service questions, which took place between the eighteenth century and now".¹ Mr. Sinker rightly considers this change in public morality in Britain particularly on civil service questions as being fundamental to the growth of the tradition of political non-interference in civil service matters. Which motive forces have strengthened public morality in Britain and which forces tend to weaken public morality in India is, however, a question which is outside the scope of the present enquiry. Here it only needs to be emphasized that the Public Service Commissions, as in the sphere of politics and government, can contribute to democratic and efficient administration in proportion to the democratisation of economic power, the development of effective accountability of politics and administration to society through popular participation in the political decision making process and the emergence of dynamic leadership at all levels in society.² Only so can the Public Service Commissions in India act as dynamic Centres for building up the administrative professional ethics and standards of competence and thereby contribute to the development of administration as an effective instruments of nation-building in India.

- 1 "What Are Public Service Commissions For?" *Journal of Public Administration*, London, *op. cit.*, p. 205.
- 2 See in this connection Rajni Kothari's paper on "Administrative Institutions of Government", *The Economic Weekly* May 27, 1961 and my paper on "Substantive Forces in Indian Administration", *The Economic Weekly*, October 10, 1964.

CHAPTER VIII

SUMMARY

Broadly, two opposite tendencies are noticeable in the working of the Public Service Commissions in India. On the one hand, some of the Commissions have attempted with some success, to place the public services under their jurisdiction on the principle of merit and curb political patronage in the public services. They have presented sustained and strong opposition against political and personal influences operating in recruitment, promotions, transfers, disciplinary cases and other service matters. On the other hand, some Commissions have not succeeded in their primary purpose of providing a check on political and personal influences operating in the Civil Services. In addition to being susceptible to political influences, some of the members of these Commissions also tend to be influenced by political, regional and caste considerations.

The utility of Public Service Commissions depends on the appointment of persons of merit and ability as members of the Commissions, adoption of such methods as would enable them to select candidates for public services on the basis of objectively ascertained merit and to make independent examination of various personnel matters, and the recognition of their important role by the executive governments. The possession of independence by the Commissions is another condition vital to the successful functioning of the Commissions. Although some of the formal or constitutional conditions necessary for their independence are fulfilled, the substantive conditions are not fulfilled in India. The preceding chapters outline how in each of these respects improvements should be effected so as to enable the Commissions to play their role more effectively in personnel matters than what they do at present. Some of the more important conclusions and suggestions of the study are summarised here under the following headings :—

(A) METHODS OF APPOINTMENT AND REMOVAL AND THE CONDITIONS OF SERVICE OF THE MEMBERS OF THE COMMISSIONS AND THEIR COMPOSITION.

The present method of the appointment of the members of the Commissions by the respective political executive does not always result in the appointment of persons of merit and independence on

the Commissions. It is seen that appointments on some of the Commissions have been made not on grounds of merit and fitness but on grounds of party affiliations and political considerations. A method of appointment which can ensure the appointment of persons of merit and independence on the Commissions is to vest the power of appointment in the Union Government. It is suggested that the Union Government should consult a body of persons of public standing in India for assessing the competence of the persons to be appointed on the Commissions. For removing a member of any Commission on the ground of misbehaviour, the President has to refer the case to the Supreme Court and can remove him only with its concurrence. This method of removal of the members of the Commissions is sound in as much as it provides an adequate safeguard against their arbitrary removal by the political executive.

Regarding the difference in the age for retirement between the members of the Union and the State Commissions, it is not based on any rational difference between the capacity required for doing work in the Union and the State Commissions. The nature of functions performed by both the Union and State Commissions demands the same vigour and ability on the part of the members. It is, therefore, desirable to establish uniform age-limit for retirement for the members of both the Union and State Commissions (by raising the retiring age of the members of the State Commissions from sixty to sixty-five years).

If the members of the Commissions are to be independent of the governments, two restrictions on their re-employment after retirement are necessary. Firstly, the term of the office of a member should be non-extendable. Secondly, there should be a bar on their re-employment in the regular departments of government. The *Constitution* places both these restrictions on the re-employment of the members of the Commissions; they are eligible for certain posts on the Commissions only. But excepting these restrictions on their re-employment there is no reason why the talents and services of the retired members possessing independence, integrity and ability cannot be utilized by the governments. The services of such members can as well be used for investigating Commissions or Tribunals, for improving the tone and standards of administration in the States, in Public Corporations and Universities and as Ambassadors or Envoys to foreign countries or in some Specialized Agencies of the U.N.

In regard to the composition of the Commissions, there is a tendency towards appointing the majority of the members from the services. It is proper that a certain proportion of the personnel of the Commissions should be reserved to persons with experience in governmental administration. But the danger of appointing the majority of the members from the services is that the Commissions

become conservative and disinclined to bring about necessary fundamental changes in the public services. It would thus be better to have one-third of the members of the Commissions with experience in governmental administration instead of "as nearly as may be one-half" as at present. This would make possible the representation of other important elements on the Commissions such as the academic or educational, scientific or technical and legal or judicial, while securing due representation of the services on them. What is important in the composition of the Commissions is a balance of important viewpoints and experiences and the suggestion offered here aims at securing such a balance.

A general survey of the social composition of the Commissions indicates that the members of the Commissions tend to be chosen from a narrow social circle; usually they represent the dominant castes of the state. For involving the different sectors of society in the administration, it is necessary to widen the social composition of the Public Service Commissions without making them unwieldy.

(B) RECRUITMENT.

Recruitment done by the Public Service Commissions in India lacks imaginativeness and does not permit flexibility of methods. In general, as Dr. Paul Appleby comments, "the criteria by which personnel are selected by the Public Service Commissions are not up to-date and appraising techniques are far from modern". Though the principles of recruitment adopted by the Commissions are sound, there should be some flexibility in applying these principles. The Commissions, for instance, should waive the age-limit in some exceptional and deserving cases. With the growing recognition of the administrator in the Welfare State is 'a social scientist in action', it may be desirable to recruit a certain proportion of candidates possessing specialized qualifications in the Social Sciences or those who have made an original contribution to them. The standard of the competitive written examination is sufficiently high in relation to the standards of education generally prevailing in the Indian Universities. Some of the subjects prescribed for these examinations could, however, be divided into specialized branches (Political Science for instance can be divided into (1) Political Theory, (2) History of Political Thought, (3) Modern Governments, (4) International Relations, and (5) Public Administration) with a view to affording opportunities to the candidates offering subjects coming under some specialized fields. It is also necessary to include Sociology and Anthropology among the optional subjects as these subjects are now being considerably developed in the Indian Universities. The interview technique followed by the Public Service Commissions is

of a traditional, hit-and-miss nature and is based on insufficient job analysis, lack of training of interviewers in the art of interviewing and follow-up studies. An interview lasting for fifteen to twenty minutes can hardly enable the members of the Commissions to assess adequately intelligence, aptitude for administration, leadership and other personality traits of the candidates. As the need for assessing specific aptitudes and qualities for different administrative posts is recognised, it would be necessary to reduce the number of marks awarded for the personality test for such services as the different Accounts Services, the Income Tax Service and the Postal Service (which do not call for any special personality qualifications) from 300 as at present to 150 or 200, and to employ more scientific and objective techniques which have proved useful in other countries in assessing effective intelligence, leadership, ability to cooperate, powers of judgment and personality traits where such assessment is essential. It is for consideration if the pre-Board interview can be added to the interview by the Commissions, as adopted in Britain, for recruitment to the higher State and Central and all-India Services. It would also be worthwhile to introduce, with suitable modifications, Method II Examination adopted in Britain, as an alternative method of recruitment to the Indian Administrative and Foreign Services.

(C) PROMOTION, DISCIPLINARY CASES AND APPEALS.

In India promotions are made on the basis of the confidential annual reports on the candidates. It is widely recognised that these reports are generally written in a careless and subjective manner and are often governed by the operation of the Parkinson's Law. If the reporting system is to be of any use, it is necessary to rationalise the report form as used in India and to attach more responsibility to the task of reporting by the reporting officers than what is done at present. The Government Ministries and Departments may also profitably provide for training in reporting. The Public Service Commissions in dealing with promotion cases place an excessive reliance on the annual confidential reports which means that ultimately promotions are made by the departmental heads or supervisors. Some real competitive element and independent assessment of the candidates' suitability for promotion by the Public Service Commissions thus need to be introduced in the promotional process. This can be done by the Public Service Commissions by introducing limited competitive examinations designed to provide opportunities to young officers in Class II and III Services to enter any of the Class I and Class II Service to which there is direct recruitment by open competitive examinations. For promotions to grades in which specialized knowledge is necessary it would be useful to introduce qualifying examinations. It is also desirable to set up Departmental Promotion Committees in the States

presided over by a member of the respective Commissions for promotion within the same service (as is the practice followed at the Centre). In the case of other promotions, the Public Service Commissions like the practice followed in the United States and Canada, should interview the candidates eligible for promotion. In assessing the candidates' suitability for promotion in this category, equal weightage may be given to (1) their performance in departmental examinations and interviews, and (2) confidential reports on them. Finally, if the promotion system is to be accepted as just by the employees, they should be given an effective right of appeal to the Commissions.

Similarly, the Commissions can perform their functions relating to disciplinary cases including appeals and memorials better by improving upon the basis on which they make recommendations. It is arguable that in some complex disciplinary and appeal cases, an examination of paper and documentary evidence alone may not enable the Commissions to gain a true picture of the cases. The Commissions would be able to make a more realistic assessment of some complex cases by hearing the cases personally from the accused officers and the officers taking disciplinary actions against them and by some informal visits of a representative of the Commission to the department concerned. The information thus secured on some disciplinary cases and appeals can be much more realistic than the information contained in the papers. In order that the appeal system should be useful, it is necessary that the appellants should be given protection against any subsequent discriminatory action against them. Although it is necessary to get independent advice of the Commissions on disciplinary cases and appeals in view of the conditions prevailing in the Indian public services, the real safeguard against unfairness in regard to disciplinary penalties lies in the integrity of public servants themselves. The ultimate emphasis should, therefore, be on better departmental personnel work.

(D) RELATION BETWEEN THE COMMISSIONS AND GOVERNMENTS AND THE FUNCTIONS AND POWERS OF THE COMMISSIONS.

In general terms, the Indian scene reveals a combination of patronage and merit in the public services characteristic perhaps of many transitional societies of Asia. On the one hand, the executive governments show a trend towards accepting the advice of the Public Service Commissions excepting a few cases. A study of the cases in which the advice of the Commissions is rejected by the executive governments during the first ten years after the Commissions started functioning under the new *Constitution* shows that the number of such cases has progressively decreased. However, in order to create

the confidence of the public in its Civil Service, it is essential that there should not be even a single departure from the advice of the Commission unless it can be clearly shown to be necessary in the public interest. On the other hand, the executive governments show a trend towards by-passing the Commissions and reducing their usefulness. Some of the techniques used by the ministries and departments in this respect are to draft advertisements with a view to limiting the field of recruitment to some particular candidates, to make appointments and subsequently exclude the posts from the purview of the Commissions, to make undue delay in the issue of offers of appointment to the candidates selected by the Commissions, to make temporary appointments and subsequently select these appointees for permanent posts, and finally to unduly limit the jurisdiction of the Commissions. Among these several techniques, the power of the executive governments to make temporary appointments and to exclude posts, services and matters from the purview of the Commissions has resulted in considerably limiting the value of the Commissions. In regard to temporary appointments, the practice of making departmental annual forecasts of personnel requirement in terms of which the Commissions could make selection by competition, withholding of salaries of candidates by the Comptroller and Auditor-General and Accountants-General after the expiry of the period for which temporary appointments are authorised, and sending departmental monthly returns to the Commissions showing all appointments made during the month would act as an effective check on the ubiquitous misuse of this power by the ministries and departments. Similarly, the power granted to the executive governments to exclude posts, services and matters from the purview of the Commissions has been generally misused by them. It would be better if the following principles are laid down by Parliament as the basis for making such exclusion : (1) posts carrying a monthly salary of Rs.200/- and below in the case of the State Commissions and Rs.350/- and below in the case of the Union Commission, (2) posts with political implications, and (3) top posts which are manned by officers belonging to the I.C.S., I.A.S., I.P.S., and the higher State and Central Services and for whose placements government takes personal responsibility.

The *Constitution* accords an independent status to the Public Service Commissions. The Commissions are independent both of the Executive and the Legislature. However, functioning within the frame-work of parliamentary system of government, a special responsibility is vested in the Legislatures to safeguard the independence of the Commissions and to lay down proper standards and practices regulating the relation between the Commissions and executive governments. The Commissions' final safe-guard lies in article 323 of the *Constitution* which enables them to issue annual reports on their working to be placed before the legislatures concerned, revealing cases in which their advice was not accepted by the executive govern-

ments. But experience at the Centre and in the States generally shows that the Legislatures do not exercise this responsibility adequately. Perhaps a solution to this problem, so far as it is reasonably possible, lies in setting up small Legislative Committees on Public Service Commissions which could examine important cases and issues brought out in the annual reports of the Commissions and focus the attention of the Legislatures on them.

(E) NEED FOR GIVING THE COMMISSIONS A MORE EFFECTIVE ROLE.

We have emphasized in chapter VII the importance of sound, personnel standards and practices to the efficiency of governmental operations particularly in the developing countries. The personnel standards and practices followed in India are far from satisfactory. In addition to inadequate salaries and promotional opportunities, lack of incentives for improving performance, personnel decisions are often made on ground other than that of merit. These factors are, to a considerable extent, responsible for the low efficiency and morale of the public servants.

The functions of Civil or Public Service Commissions, as discussed in chapter VII, vary from country to country, depending upon the constitutional system and the conditions existing in the public services. The Civil Service Commissions of the U.S., Canada, Australia and New Zealand were given wide controlling powers and functions in regard to personnel administration. These Commissions provided a check on the patronage of the political executive and helped in establishing and implementing proper personnel standards and practices. In India, the functions of Public Service Commissions, except that of making recruitment, are of a negative character. The Indian Commissions deal only with such cases which are under their purview and which are referred to them. The informal but deciding factors in promotions, the suppression of serious disciplinary cases, political, caste and communal influences on personnel decisions and ubiquitous favouritism and corruption can hardly be noticed by the Commissions with the nature and scope of the functions they have at present. The fundamental purpose of Public Service Commissions is to maintain and strengthen an efficient and contented public service, free from political and personal influences. If this is the basic purpose of Public Service Commissions, it is clear that their present negative functions do not enable them to fulfil this purpose. It would be much better if the Commissions, in addition to their present functions are given, at least during the transitional period, the power to develop adequate personnel standards in regard to promotions, disciplinary control, management-employee relations and incentives for improved

performance and exercise a supervision on the application of these standards and practices by the ministries and departments. They should also have the power to take actions, in the form of recommendations to the executive governments, against those who violate the standards of the merit system. Though even these powers would be of an advisory nature, they would enable the Public Service Commissions to introduce rational personnel standards and practices in the public services. It is to be observed that a mere extension of the Commissions' powers may lead to increase in patronage. It is important to recognise that the effectiveness of the Commissions' powers is contingent upon the improvement in political culture and appointment of members on the basis of merit and ability.

(F) PUBLIC SERVICE COMMISSIONS AND THE POLITICAL AND GOVERNMENTAL SYSTEM.

Public Service Commissions do not operate independently of the wider social polity. The social and economic structure of society and the relation between society and politics influence substantively the operation of governmental and administrative institutions. The need in India is to single out and concentrate on the substantive issues of Public Service Commissions. It is contended in this study that the Public Service Commissions (like other governmental and administrative institutions) will be able to operate effectively with the democratisation of economic power in society, the development of a democratic political culture based on the freedom of the individual and popular participation and effective control of society on politics, and the emergence of dynamic leadership at all levels in society.

APPENDIX—A

**FOLLOW-UP FORMS USED BY A STATE PUBLIC SERVICE
COMMISSION IN INDIA AND THE U.K. CIVIL
SERVICE COMMISSION**

*1. Rajasthan Public Service Commission
Follow-Up Form*

Whether Emergency Recruitment	Service
Year of Competitive Examination	

**Assessment of Performance of Direct Recruits to Rajasthan
Administrative, Police & Accounts Service**

- | | |
|--------------------|----------------|
| 1. Name of Officer | Date of Birth. |
|--------------------|----------------|
2. Post Held under the reporting officer, with dates.
 3. Does he display—
 - (a) Energy and initiative
 - (b) Patience
 - (c) Industry
 4. How was his behaviour with the following
 - (a) His official superiors.
 - (b) His official subordinates
 - (c) Non-officials
 5. To what extent did the officer take interest in his training ?
 6. To what extent did the officer take interest in his actual duties ?
 7. Any other remarks by the reporting officer.
 8. Reporting officer may please score out the description which does not apply to the officer.

- (i) Very good indeed.
- (ii) Distinctly better than the normally competent officer.
- (iii) Upto the standard.
- (iv) Not quite upto standard.
- (v) Among the least suitable.

Signature of Reporting officer.

Designation of Reporting officer.

Remarks and signature of officer
through whom report is submitted.

2. *U.K. Civil Service Commission Follow-Up Form*

Follow-Up Form AC2

CIVIL SERVICE COMMISSION

Report Form For Officers of the Administrative Class.

PART I

Name and Christian names

Surname on entry if different from the above.....

Department..... Date of assignment to Department.....

(A) Record of employment (including temporary employment) in the
Department.

Job	Branch	Grade	From	Until	Nature of work
-----	--------	-------	------	-------	----------------

1

2

3

4

5

(B) Number of days sick-leave taken in past twelve months.....

(C) Comparing him with other established officers of the same grade I should describe his overall performance as : (Please tick the appropriate box. The figures in brackets give the proportions that might normally be expected to fall into the different categories).

Quite excep- tional (2%)	Very good indeed (8%)	Distin- ctly above aver- age (20%)	Well up to stan- dard (40%)	Not quite so good as most officers of his rank (20%)	Among the less able (8%)	Much inferior (2%)
-----------------------------------	--------------------------------	---	--------------------------------------	--	--------------------------------------	--------------------------

(D) The ratings in Part 2 overleaf should relate the actual performance, but, if, in your opinion, the officer's work has been affected by ill-health or any other untoward circumstances, please give details briefly here :

PART 2

Please put a tick in the appropriate space opposite items 1-14. A tick in a space marked 'S' indicates a comparatively marked degree of the tendency described. Comments or Amendments may be made in the right-hand column. Occasionally the assessor may feel justified in ticking more than one space for a single item—e.g., in item 5, judgment might be faulty because the officer was muddled *and* because he was rigid. If it is not felt possible to put a tick opposite any particular item, please state the reason.

Comments

- | | |
|-------------------------------|---|
| 1. Degree of Interest. | Carries out his duties without real enthusiasm... .. |
| | His interest in his work is no more than adequate... .. |
| | He takes a normal amount of interest in his work... .. |
| | He has become thoroughly interested in his work... S |
| 2. Knowledge of work | Has a through grasp of the knowledge relevant to his duties... S |
| | Has sufficient knowledge to cope with day to day work. ... |
| | Tends not to know } policy.. ...
enough about his } mechanics of ...
work, especially as } job... ...
to : } other aspects ... |
| | Very Quick in the uptake... S
As quick to assimilate new ideas as most of his contemporaries... .. |
| 3. Quickness of Apprehension. | Not quite so fast as most of } ...
his contemporaries to seize } ...
new points } ... S |
| | Fewer ideas than most of his contemporaries... ..
Plenty of ideas, but many not very sound... ..
Produces some good ideas... ..
Fertile in useful ideas } ...
} ... S |
| 4. Fertility of Ideas. | Fewer ideas than most of his contemporaries... .. |
| | Plenty of ideas, but many not very sound... .. |
| | Produces some good ideas... .. |
| | Fertile in useful ideas } ...
} ... S |

- | | | | | | | | | | | | | | | |
|-------------|---|------------|---------|-----|--|-------|-----|--|--------------|-----|---|-----------|-----|--|
| 5. Judgment | His proposals or decisions are consistently sound. } ... | S Comments | | | | | | | | | | | | |
| | His proposals or decisions can generally be relied upon. ... | | | | | | | | | | | | | |
| | Apt on occasion to overlook an important factor. ... | | | | | | | | | | | | | |
| | Judgment faulty because <table border="0" style="display: inline-table; vertical-align: middle;"> <tr><td data-bbox="584 415 595 439">}</td><td data-bbox="606 415 715 439">muddled</td><td data-bbox="824 415 846 439">...</td></tr> <tr><td data-bbox="584 446 595 470"> </td><td data-bbox="606 446 671 470">rigid</td><td data-bbox="824 446 846 470">...</td></tr> <tr><td data-bbox="584 478 595 501"> </td><td data-bbox="606 478 758 501">other reason</td><td data-bbox="824 478 846 501">...</td></tr> <tr><td data-bbox="584 509 595 533">}</td><td data-bbox="606 509 715 533">(specify)</td><td data-bbox="824 509 846 533">...</td></tr> </table> | } | muddled | ... | | rigid | ... | | other reason | ... | } | (specify) | ... | |
| } | muddled | ... | | | | | | | | | | | | |
| | rigid | ... | | | | | | | | | | | | |
| | other reason | ... | | | | | | | | | | | | |
| } | (specify) | ... | | | | | | | | | | | | |
-
- | | | |
|------------------------|--|--|
| 6. Attention to detail | Apt to be over-concerned with detail. ... | |
| | Inclined to pay too little attention to detail. ... | |
| | Can generally be trusted to consider all the relevant details. ... | |
| | Most reliable in his attention to relevant details. } ...
S | |
-
- | | | | | | | | | | | | | | | |
|--|---|-----|--------------------------------|-----|---|-----------------------|-----|---|----------------|-----|---|-----------|-----|--|
| 7. Paper work
(a) Minutes or internal correspondence. | His minutes are clear, cogent and well set out. ... | S | | | | | | | | | | | | |
| | He writes quite a good minute. ... | | | | | | | | | | | | | |
| | His minutes leave something to be desired. } ...
S | | | | | | | | | | | | | |
| | Writes a distinctly good letter. ... | | | | | | | | | | | | | |
| | Writes an adequate letter. ... | | | | | | | | | | | | | |
| (b) Letters or external correspondence | Letter writing <table border="0" style="display: inline-table; vertical-align: middle;"> <tr><td data-bbox="551 1293 562 1317">}</td><td data-bbox="573 1293 758 1340">Lacks style or persuasiveness.</td><td data-bbox="824 1293 846 1340">...</td></tr> <tr><td data-bbox="551 1348 562 1372">}</td><td data-bbox="573 1348 748 1395">Sometimes inaccurate.</td><td data-bbox="824 1348 846 1395">...</td></tr> <tr><td data-bbox="551 1403 562 1426">}</td><td data-bbox="573 1403 748 1450">Other reasons.</td><td data-bbox="824 1403 846 1450">...</td></tr> <tr><td data-bbox="551 1434 562 1458">}</td><td data-bbox="573 1434 682 1458">(specify)</td><td data-bbox="824 1434 846 1458">...</td></tr> </table> | } | Lacks style or persuasiveness. | ... | } | Sometimes inaccurate. | ... | } | Other reasons. | ... | } | (specify) | ... | |
| } | Lacks style or persuasiveness. | ... | | | | | | | | | | | | |
| } | Sometimes inaccurate. | ... | | | | | | | | | | | | |
| } | Other reasons. | ... | | | | | | | | | | | | |
| } | (specify) | ... | | | | | | | | | | | | |

- | | | | S | Comments |
|--------------------------------|---|---|-----|----------|
| 8. Output | Gets through more work than most. | } | ... | |
| | Output quite adequate. | | ... | |
| | Output tends to be rather less than that of some of his contemporaries. | } | ... | |
| | His output fluctuates. | | ... | |
| 9. Response to Pressure | No opportunity to judge his work under pressure. | } | ... | |
| | Works adequately but is best when there is an occasion to rise to. | } | ... | |
| | Tends to wilt under pressure of work. | | .. | |
| | Steady worker despite pressure. | | ... | |
| | Always on top of his work even when pressed. | } | ... | S |
| 10. New Contacts | Not very quick to achieve contact with strangers. | } | S | |
| | Gets on well with strangers. | | ... | |
| | Very good indeed at making quick contact with strangers | } | ... | S |
| 11. Acceptability as Colleague | He achieves and holds the responsibilities of his colleagues. | } | S | |
| | Is liked by his colleagues. | | ... | |
| | Tends not to be on particularly good terms with some of his colleagues. | } | ... | S |

- | | | |
|--|--|---------------------------------|
| 12. As member of Committee or in Negotiation | He is very good } ...
Competent. } | S Comments
...
... |
| | A trifle less competent, because } diffident.
over-assertive.
rigid.
other reasons
(specify) } | ...
...
...
... |
| 13. Management of subordinate staff. | Gets the best out of subordinate staff. } | S
... |
| | Subordinates work quite well with or for him. } | ... |
| | Does not get the best out of subordinate staff, because } Relies too much on them.
is something of a slave-driver.
does too much himself.
fusses.
other reason.
(specify) } | ...
...
...
...
... |
| 14. Practical Effectiveness in his Work. | In practice his work tends to be ineffective. } | S
... |
| | In achieving solutions to problems which arise in practice, he is } adequate.
effective.
notably effective.
outstandingly good. } | ...
...
...
... |

PART 3

Pen Picture of the Officer

The primary object of this part is to give a vivid general picture of the efficiency with which the man is functioning in his job now and of his stronger and weaker points. It may be useful to consider whether he would do better—or worse—in work of another sort. Your impressions of his personal qualities apart from his work, or of his future promise, are also welcome and should be added in separate paragraphs.

The pen picture may deal with items of the kind already covered in Part 2, but should also take into account such important considerations as the officer's integrity, co-operativeness, interests, objectives and ambitions which, being difficult to rate, are not included in Part 2.

Any general statements should, if possible, be supported by specific and characteristic examples.

If in due course he reaches Permanent Secretary
the rank ofI think he
has it in him to do the work Deputy Secretary
successfully.

Under Secretary

(Please tick the highest rank
for which the statement Assistant Secretary
would be true)

Principal

End of probation

If this form is being used as an end of probation report under T.C 19/46 para. 5, please state here your recommendations concerning the officer.

Signature..... Counter-signature.....

Rank..... Rank.....

Date.. ... Date.. ...

APPENDIX—B

**ANNUAL REPORT FORMS USED IN GREAT BRITAIN,
CANADA AND AUSTRALIA**

1. GREAT BRITAIN

CONFIDENTIAL

**Model Form A
Higher Grades.**

Staff Report

File No.....

Report on Mr.
Mrs......
Miss (Surname first)

for period from..... to.....

A. Personal Particulars and Record of Employment

	Day Month Year	
BRANCH OR REGION	Date of birth	Period of Service:
.....	DATE OF ENTRY INTO	
SECTION OR OFFICE	Civil service	In present section or office.....
.....	Department	Under present Reporting officer...
PRESENT GRADE	Present Section or office	Under present counter-signing officer.....
.....		

Record of employment during period covered by report

Branch	From	Until	Grade	Duties on which employed
---------------	-------------	--------------	--------------	---------------------------------

NOTES

- (1) The parts of this form should be filled up in the order in which they are lettered.
- (2) The form should be completed in ink. If the countersigning officer disagrees with any rating awarded by the reporting officer he should indicate the rating which he considers right in ink of a distinctive colour and initial the entry.
- (3) The remarks spaces should be used freely to give a clearer picture of the officer's strength and weaknesses; remarks may include specific points (such as figures of output under B 7 or a major piece of drafting under B 9) or general comments which complete the picture, but should not be used for vague comments or comments which merely repeat what has been indicated by the ticks in the boxes.

B. Report on Qualities and Performance of Duties **REMARKS**
CHARACTER AND PERSONALITY Tick
 appropriate boxes

1. Responsibility

- | | |
|---|-------------------------------|
| Seeks and accepts responsibility at all times..... | 1.. <input type="checkbox"/> |
| Very willing to accept responsibility... | 2... <input type="checkbox"/> |
| Accepts responsibility as it comes .. | 3... <input type="checkbox"/> |
| Inclined to refer up matters he could himself decide... | 4... <input type="checkbox"/> |
| Avoids taking responsibility... | 5... <input type="checkbox"/> |

2. Relations with Colleagues

- | | |
|--|-------------------------------|
| Wins and retains the highest regards of all... | 1... <input type="checkbox"/> |
| Is generally liked and respected... | 2... <input type="checkbox"/> |
| Gets on well with everyone... | 3... <input type="checkbox"/> |
| Not very easy in his relationships... | 4... <input type="checkbox"/> |
| A difficult colleague... | 5... <input type="checkbox"/> |

3. Contacts with Public*REMARKS**

- | | |
|---|-------------------------------|
| Outstandingly effective in dealing with them... | 1... <input type="checkbox"/> |
| Considerate and firm as required... | 2... <input type="checkbox"/> |
| Handles them quite well... | 3... <input type="checkbox"/> |
| His manner tends to be unfortunate... | 4... <input type="checkbox"/> |
| Poor at dealing with them... | 5... <input type="checkbox"/> |

CAPACITY**4. Penetration**

- | | |
|--|-------------------------------|
| Gets at once to the root of any problem... | 1... <input type="checkbox"/> |
| Shows a ready appreciation of any problem... | 2... <input type="checkbox"/> |
| Usually grasps a point correctly | 3... <input type="checkbox"/> |
| Not very quick in the uptake... | 4... <input type="checkbox"/> |
| Often misses the Point... | 5... <input type="checkbox"/> |

5. Constructive Power

- | | |
|---|-------------------------------|
| Always produces a comprehensive solution... | 1... <input type="checkbox"/> |
| Generally makes a valuable contribution... | 2... <input type="checkbox"/> |
| His solutions are normally adequate... | 3... <input type="checkbox"/> |
| Seldom takes any constructive action... | 4... <input type="checkbox"/> |
| Fails to respond to a new situation... | 5... <input type="checkbox"/> |

***To be completed only for officers with relevant experience.**

6. Judgment**REMARKS**

- Judgments consistently sound and well thought out... 1...☐
- His view of a matter is nearly always a sensible one... 2...☐
- Takes a reasonable view on most matters... 3 ..☐
- His judgment tends to be erratic... 4...☐
- His judgment cannot be relied on... 5...☐

PERFORMANCE OF DUTIES**7. Output**

- Outstanding in the amount of work .. 1...☐
- Gets through a great deal of work... 2...☐
- Output satisfactory... 3...☐
- Does rather less than expected... 4...☐
- Output regularly insufficient... 5...☐

8. Quality

- Distinguished for accurate and thorough work... 1...☐
- Maintains a high standard... 2...☐
- His work is generally of good quality... 3.. ☐
- His performance is uneven... 4...☐
- Inaccurate and slovenly in his work 5...☐

9. Expression on Paper

- Brilliant on Paper... 1...☐

Written work always clear, cogent and well set out...	2... <input type="checkbox"/>	REMARKS
Generally expresses himself clearly and concisely...	3... <input type="checkbox"/>	
Written work just good enough to get by...	4... <input type="checkbox"/>	
Cannot express himself clearly on paper .	5.. <input type="checkbox"/>	

10. Oral Expression

Extremely effective. .	1... <input type="checkbox"/>
Puts his points across convincingly...	2... <input type="checkbox"/>
Expresses himself adequately ..	3... <input type="checkbox"/>
Barely competent...	4... <input type="checkbox"/>
Ineffective ..	5... <input type="checkbox"/>

*11. Figurcwork

Exceptionally good at all kinds of figurework...	1... <input type="checkbox"/>
Handles and interprets figures very well...	2... <input type="checkbox"/>
Competent at figurework...	3... <input type="checkbox"/>
Handling of figures leaves something to be desired...	4... <input type="checkbox"/>
Poor at figures.,.	5.. <input type="checkbox"/>

*12. Management of Subordinates.

Always inspires them to give their best...	1... <input type="checkbox"/>
--	-------------------------------

*To be completed only for officers with relevant experience. In paragraph B/1, organisation of the work includes, where appropriate, the organisation of an officer's own work.

Manages them distinctly well...	2... <input type="checkbox"/>	REMARKS
They work quite well for him...	3... <input type="checkbox"/>	
Does not control them very skilfully...	4... <input type="checkbox"/>	
Handles them badly...	5... <input type="checkbox"/>	

13. Organisation of Work

An exceptionally effective organiser...	1... <input type="checkbox"/>
Shows considerable organising skill...	2... <input type="checkbox"/>
Plans and controls work satisfactorily...	3... <input type="checkbox"/>
An indifferent organiser...	4... <input type="checkbox"/>
Cannot organise...	5... <input type="checkbox"/>

14. Interest in Work

Keenly interested in the work of the Department as a whole...	1... <input type="checkbox"/>
His interest extends beyond his own Branch...	2... <input type="checkbox"/>
Interested in the work of his own Branch...	3... <input type="checkbox"/>
Interest limited to his own job...	4... <input type="checkbox"/>
Shows little interest in his work...	5... <input type="checkbox"/>

C. Overall Grading for Qualities and Performance of Duties during covered by this Report.

Tick appropriate boxes

1. OUTSTANDING Exceptional alike

*To be completed only for officers with relevant experience. In paragraph B/13, organisation of the work includes, where appropriate, the organisation of an officer's own work.

Tick appropriate boxes

- | | | |
|-------------------|---|-------------------------------|
| | in personality,
capacity and per-
formance. | 1... <input type="checkbox"/> |
| 2. VERY GOOD | A very able and
effective officer. | 2... <input type="checkbox"/> |
| 3. GOOD | An efficient
officer. | 3... <input type="checkbox"/> |
| 4. FAIR | Performs duties mode-
rately. | 4... <input type="checkbox"/> |
| 5. UNSATISFACTORY | Definitely not up to
the duties of the
grade. | 5... <input type="checkbox"/> |

Parts B and C of this form deal with the officer's qualities and performance in his present grade. Part D asks for an estimate of his performance in a higher grade, and is quite distinct.

D. Fitness for Promotion

This officer (SATISFACTORILY <input type="checkbox"/> 3 is now capa- ble of per- forming the duties of the next higher grade ((VERY WELL <input type="checkbox"/> 2 EXCEPTIONALLY WELL <input type="checkbox"/> 1 (This officer (LIKELY TO QUALIFY is not now (IN TIME <input type="checkbox"/> 4 capable of performing the duties of the next higher grade He is ((UNLIKELY TO QUA- LIFY <input type="checkbox"/> 5 (
---	--	---	---

E. Reporting Officer's General Remarks and Certificate

Note here any information or comments not covered by previous sections of Report.

I hereby certify that in my opinion the standard of efficiency and the grading for promotion of the officer named are as stated.

Date _____ Signature _____ Rank _____

F. Countersigning Officer's Remarks and Certificate

Make here any general comments. If the Officer is, or may become, suitable for EXCEPTIONAL promotion or class-to-class transfer this should be stated.

I hereby certify that in my opinion the gradings awarded by the reporting officer are correct, subject to any correcting entries or remarks which I have made and initialled.

Date _____ Signature _____ Rank _____

CONFIDENTIAL

Model Form B
Lower Grades

STAFF REPORT

File No— — — —

MR.
Report on MRS.
MISS (Surname first)

for period from _____ to _____

A. Personal Particulars and Record of Employment

	Day	Month	Year	PERIOD OF SERVICE :
BRANCH OR REGION	Date of birth	_____	_____	
SECTION OR OFFICE	Date of entry into Civil Service	_____	_____	In present section or office _____
PRESENT GRADE	Department Present Grade	_____	_____	Under present reporting officer _____
	Present Section or office	_____	_____	Under present countersigning officer _____

B. Report on Qualities and

		The is no ble o. formin duties next grad-		Tick the appropriate boxes below	
X	X	Applies Tendency to X	Tendency to Y	Applies Tendency to Y	Y
1. Quick in the uptake.					Slow at understanding
2. Tackles any job in a direct and orderly manner,					Approach to work haphazard
3. Gets through a lot of work.					Output low
4. Consistently accurate.					Makes frequent errors
*5. Writes neatly and legibly.					Handwriting untidy or illegible

*Not to be completed for staff engaged entirely on machine operation work.

Tick the appropriate
Boxes below

Y	Y	Y	Y	Y
Applies	Tendency to X	Tendency to Y	Applies	
6. Good powers of expression.	_____	_____	_____	Fails to make meaning clear
*7. Good at operating machines.	_____	_____	_____	Manipulation poor
8. Works well with others.	_____	_____	_____	Difficult to work with

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NOTES

- (1) The parts of this form should be filled up in the order in which they are lettered.
- (2) The form should be completed in ink. If the countersigning officer disagrees with any rating awarded by the reporting officer he should indicate the rating which he considers right in ink of a distinctive colour and initial the entry.

*To be completed for staff occasionally engaged on machine work.

C. Overall Grading for Qualities and Performance of Duties during period covered by this Report.

Tick appropriate boxes

- | | | |
|-------------------|---|------------------------------|
| 1. OUTSTANDING | Exceptional alike in personality, capacity and performance. | —1— <input type="checkbox"/> |
| 2. VERY GOOD | A very able and effective officer | —2— <input type="checkbox"/> |
| 3. GOOD | An efficient officer | —3— <input type="checkbox"/> |
| 4. FAIR | Performs duties moderately | —4— <input type="checkbox"/> |
| 5. UNSATISFACTORY | Definitely not up to the duties of the grade | —5— <input type="checkbox"/> |

Parts B and C of this form deal with the officer's qualities and performance in his present grade. Part D asks for an estimate of his performance in a higher grade, and is quite distinct.

D. Fitness for Promotion

This officer (SATISFACTORILY <input type="checkbox"/> 3 is now capable of performing the duties of the next higher grade (VERY WELL <input type="checkbox"/> 2	This officer (LIKELY TO QUALIFY <input type="checkbox"/> 4 is not now capable of performing the duties of the next higher grade. (He is (
	EXCEPTIONALLY WELL <input type="checkbox"/> 1		(UNLIKELY TO QUALIFY <input type="checkbox"/> 5

E. Reporting Officer's General Remarks and Certificate

Note here any information or comments not covered by previous sections of Report.

I hereby certify that in my opinion the standard of efficiency and the grading for promotion of the officer named are as stated.

Date—

Signature—

Rank—

F. Countersigning Officer's Remarks and Certificate.

Make here any general comments. If the Officer is, or may become, suitable for EXCEPTIONAL promotion or class-to-class transfer this should be stated..

I hereby certify that in my opinion the gradings awarded by the reporting officer are correct, subject to any correcting entries or remarks which I have made and initialled.

Date—————

Signature—————

Rank——

2. CANADA

Seal Civil Service Commission
Canada

☐ Periodical efficiency rating

EFFICIENCY RATING AND APPRAISAL FORM

☐ Probationary Report

☐ Annual compensation

PART 1—FOR PERSONNEL OFFICER

NAME

POSITION NO.

DEPARTMENT CLASSIFICATION

BRANCH

PRESENT SALARY

DIVISION

LOCATION DATE OF

PRESENT CLASS

PART 2—FOR SUPERVISOR—Read instructions
carefully before rating

SUMMARY

1. JOB PERFORMANCE

<input type="checkbox"/> Volume of work	<input type="checkbox"/> Quality of work	<input type="checkbox"/> Organi- sation of work.	<input type="checkbox"/> Know- ledge of work.	
<input type="checkbox"/> Profession- al	<input type="checkbox"/> Adminis- trative	<input type="checkbox"/> Super- visory	<input type="checkbox"/> Opera- tional	<input type="checkbox"/> Cleri- cal.

2. GENERAL ABILITY

<input type="checkbox"/> Mental Alert- ness	<input type="checkbox"/> Aptitude	<input type="checkbox"/> Maturity	<input type="checkbox"/> Decisiveness
<input type="checkbox"/> Judg- ment	<input type="checkbox"/> Language Proficiency		

- ☐ Depend-ability ☐ Loyalty ☐ Stability ☐ Resourcefulness
 3. PERSONAL QUALITIES ☐ Ability to work with others ☐ Sense of responsibility. ☐ Appearance ☐ Confidence

☐ Punctuality ☐ Use of privileges. ☐ Work speed ☐ Attentiveness
 4. WORK HABIT ☐ Accuracy ☐ Perseverance ☐ Neatness ☐ Thoroughness

☐ Initiative ☐ Work attitude ☐ Originality ☐ Creative ability
 5. POTENTIAL GROWTH ☐ Ability to teach others ☐ Leadership ability ☐ Other factors ☐

PART 3—APPRAISAL

Strengths—

Weaknesses—

Recommendation—

GENERAL RATING ☐

Immediate Supervisor—

Reviewing Officer—

Date

PART 4—DECLARATION in accordance with the Civil Service Act and Regulations.

1. Periodic efficiency rating—☐ 3. Annual compensation rating—☐

☐ Increase recommended☐ Increase not recommended

New Annual Salary :

Date of increase :

2. Probationary rating _____ ☐
 Recommendation—

☐ Retention ☐ Replacement

Reason—

☐ Further probation of _____ Months

Remarks

Signature

Date

Office

Statement of Duties :

Departmental Use :

Instructions—

1. Ratings should be made on each main factor according to the following alphabetical rating scale :

E = Unsatisfactory D = Low Average C = Average

B = High Average A = Outstanding

2. A general rating should be made which conforms with the main factor ratings and should be recorded in the check box on the

right hand margin. Normally three or more similar letter ratings would determine the general rating. For example, an E rating on each of Job Performance, General Ability and Personal Qualities would normally give a general rating of E. Scattered letter ratings or the presence of unsatisfactory ratings would tend to bring the general rating down. A probable distribution of general ratings in a large number of employees might be 5%—A, 25%—B, 50%—C, 20%—D and E.

3. The sub-factors which make up each main factor may be used to help the Supervisor to arrive at a main factor rating. They need not be used if they do not apply. There is no formula for their use. Some of these sub-factors may apply to certain jobs and not to others. The Ratings on sub-factors will tend to provide a record of strengths and weaknesses within a main factor and thus will be useful when the rating is discussed with the employee.
4. The form may be used (a) for Periodic Ratings (b) as a Probationary Report (c) as a report to the C.S.C. when an annual increase is NOT recommended and (d) as a special appraisal form for a supervisory or executive development programme.
5. The form should be completed at intervals according to Departmental instructions, normally once a year.
6. The procedure should be as follows :—

The immediate Supervisor should (a) make a careful analysis of the employee's duties (b) make an assessment of the employee according to each of the five factors indicated (c) mark opposite each main factor according to the alphabetical scale the letter that represents an objective rating on the factor (d) give a general rating in conformity with the factor ratings (e) discuss the rating with a Reviewing Officer at a senior level who is responsible for the supervisor's work (f) sign the report.

7. The Supervisor or an appropriate senior officer should discuss the employee's rating and efficiency with him, pointing out commendable features of his work and how he may improve. Space is provided on the form for a record of strengths and weaknesses. These should be reviewed from time to time. The Recommendation under Part 3 may be covering Training, Rotating Work, Advancement, etc., or may be concerning release if the employee is unsatisfactory.
8. Standards may vary with different classes but the Supervisor should by comparison and judgment evaluate the worth of each

employees in relation to the best standards of efficiency for the class.

9. Copies of the completed form should be sent to the Civil Service Commission ONLY (a) when probation is reported as unsatisfactory or when probationary training is to be extended (b) when an annual increase is not recommended (c) when employees are rated as E = Unsatisfactory.

3. AUSTRALIA

Department of Customs and Excise

Formal Staff Reporting

These definitions and descriptive labels have been designed to help you to achieve a common standard of judgment with other reporting officers on a basis fair to all. Please read them carefully after you have read the *Instruction Manual* and before you begin completing your report. Note particularly pages 7 and 10 of the *Instruction Manual*.

QUANTITY OF WORK : Forget quality. HOW MUCH work does he do ?

- f. A fast worker : only undue pressure can beat him.
- s. Does more than most officers.
- r. Does enough and can cope with normal demands.
- c. Not selected for high-pressure job.
- e. A slow worker.

ACCURACY : Forget quantity. How ACCURATE is he ?

- f. Outstandingly accurate.
- s. Makes few errors.
- r. You generally accept as accurate what this man says and does.
- c. Makes more errors than you like.
- e. Inaccurate.

RELATION WITH

OTHERS

: An officer works with people—the public, his juniors and his seniors. Does he do his job without arousing animosity? Is he co-operative, courteous? Does his general demeanour inspire confidence? Would you say this officer—

- f. Impresses most favourably.
- s. Is well-liked and inspires confidence.
- r. Is accepted and liked by most people.
- c. Is reasonably co-operative and helpful, but will never leave his mark on a ground.
- e. Is not an impressive personality.

INITIATIVE

: Consider his independence of thought and action. Does he, without direction, see and tackle things that need to be done?

- f. Marked imagination in seeing and tackling the things to be done.
- s. Resourceful.
- r. Handles routine cases well.
- c. Needs more direction than most officers.
- e. Needs constant direction.

JUDGMENT

: Consider his ability to discern essentials. Has he good powers of comprehension? Does he reach sound conclusions?

- f. Judgments are usually sound and well thought out.
- s. Judgments seldom queried: takes in all relevant aspects
- r. His conclusions are as a rule acceptable.

- c. Problems with new features confuse him.
- e. Judgment generally poor.

CAPACITY FOR

RESPONSIBILITY

Does he accept responsibility for doing his job properly or tend to side-step and 'refer' ?

- f. Outstanding in accepting responsibility.
- s. Readily accepts new responsibility.
- r. Responsibilities which have become routine are accepted.
- c. Reluctant to accept responsibility.
- e. Avoids responsibility wherever possible.

TECHNICAL

KNOWLEDGE

Every officer needs to have, in greater or less degree a knowledge of the Act, the Tariff, the General Orders and numerous other departmental publications to do his work effectively. In some positions academic knowledge is also important. Would you say that this officer—

- f. Is very well informed in all phases of departmental processes that affect him.
- s. Has sufficient technical knowledge to handle quite difficult cases.
- r. Has sufficient knowledge to deal with routine problems.
- c. Handles simple cases well.
- e. Has to refer constantly to others for guidance in cases of relative simplicity.

ORAL EXPRESSION

Does this officer speak logically and clearly ? Does he make his points concisely so that when

he has spoken you feel sure he has conveyed his meaning ?

- f. Exceptional in expressing his thought clearly and well.
- s. Expresses his thoughts by word of mouth effectively.
- r. Usually manages to make his meaning clear, but has no particular skill in oral expression.
- c. Sometimes has to repeat himself, but in the end he gets his ideas across.
- e. Has difficulty in communicating his thoughts effectively by word of mouth.

WRITTEN EXPRESSION : How well does this officer express himself on paper ? Are his minutes and correspondence readily understood ?

- f. Exceptional in expressing his thoughts clearly and well, in writing.
- s. Effectively expresses his thoughts in writing.
- r. Usually manages to make his meaning clear, but has no particular skill in written expression.
- c. Occasionally is instructed to re-write his material before it is acceptable.
- e. Has difficulty in communicating his thoughts effectively on paper.

SUPERVISION

: Supervision involves intelligent control of the work unit to get things done. Discipline is part of it. So too are staff training, making good delegations, staff-reporting, short-cuts in methods and so on. Would you say that this officer—

- f. Discharges his supervisory responsibilities intelligently and well.

- s. Supervises well but without sparkle.
 - r. Could give much more time and effort to his supervisory duties.
-

APPENDIX—C

UNION PUBLIC SERVICE COMMISSION (EXEMPTION FROM CONSULTATION) REGULATIONS, 1958, AS AMENDED UPTO 1964.

• In exercise of the powers conferred by the proviso to clause (3) of article 320 of the Constitution and in supersession of all previous regulations on the subject, the President hereby makes the following regulations, namely :—

1. These regulations may be called the Union Public Service Commission (Exemption from Consultation) Regulations, 1958.
2. It shall not be necessary to consult the Commission in regard to any of the matters mentioned in sub-clauses (a) and (b) of clause (3) of article 320 of the Constitution in the case of the the services and posts specified in the Schedule to these Regulations.
3. Same as otherwise expressly provided in the rules governing recruitment to the civil service or civil post concerned it shall not be necessary to consult the Commission in regard to the selection for appointment :
 - (a) to a post included in an all-India Service, of any officer who is already a member of an all-India Service ;
 - (b) to a post included in a Central Service Class I, of any officer in the Armed Forces of the Union or any officer who is already a member of all-India Service or a Central Service Class I ;
 - (c) to a Central Service Class II, or to a post included in a Central Service Class II, of any officer who is already a member of a Central Service Class II, or Central Service Class III, or of any officer in the Armed Forces of the Union ; and

- (d) to a tenure post included in a Central Service Class I, or a Central Service Class II, of an officer of a State Service.

NOTE.—In this regulation :—

- (i) the terms “Central Service Class I”, “Central Service Class II” and “Central Service Class III” shall include the corresponding Railway Services ; and Defence Services (Civilian) ;
- (ii) the term “Officer” includes a person holding a permanent or quasi-permanent appointment, but does not include a person in temporary employment ;
- (iii) the term “State Service” means service in a State appointments to which are made by the Governor ;
- (iv) the term “tenure post” means a post, whether permanent or temporary, which has been classified as a tenure post in consultation with the Commission.

4. It shall not be necessary to consult the Commission in regard to the selection for temporary or officiating appointment to a post if—

- (a) the person appointed is not likely to hold the post for a period of more than one year ; and
- (b) it is necessary in the public interest to make the appointment immediately and a reference to the Commission will cause undue delay.

Provided that

- (i) Such appointment shall be reported to the Commission as soon as it is made ;
- (ii) if the appointment continues beyond a period of six months, a fresh estimate as to the period for which the person appointed is likely to hold the post shall be made and reported to the Commission; and
- (iii) if such estimate indicates that the person appointed is likely to hold the post for a period of more than

one year from the date of appointment, the Commission shall immediately be consulted in regard to the filling of the post.

5. (1) It shall not be necessary to consult the Commission in regard to the making of any order in any disciplinary case other than—
 - (a) an original order by the President imposing any of the following penalties :—
 - (i) Censure ;
 - (ii) With-holding of increments or promotions ;
 - (iii) recovery from pay of the whole or part of any pecuniary loss caused to the Government by negligence or breach of orders ;
 - (iv) reduction to a lower Service, grade or post, or to a lower-time scale ;
 - (v) compulsory retirement ;
 - (vi) removal from service ;
 - (vii) dismissal from service ;
 - (b) an order by the President on an appeal against an order imposing any of the said penalties made by a subordinate authority ;
 - (c) an order by the President over-ruling or modifying, after consideration of any petition or memorial or otherwise, an order imposing any of the said penalties by the President or by a subordinate authority.
- (2) It shall not be necessary to consult the Commission in regard to any disciplinary matter affecting a person belonging to a Defence Service (Civilian).
- (3) It shall not be necessary to consult the Commission in regard to any order made under the Central Civil Services (Safeguarding of National Security) Rules, 1954.

SCHEDULE

- (1) Posts in respect of which the authority to appoint is specifically conferred on the President by the Constitution.

- (2) Posts of Chairman or Member of any Board, Tribunal, Commission, Committee or other similar authority created by or under the provisions of a statute.
- (3) Posts of Chairman or Members of any Board, Tribunal, Commission, Committee or other similar body appointed by or under the authority of a resolution of either House of Parliament or by a resolution of Government for the purpose of conducting any investigation or enquiry into or for advising government on specified matters.
- (4) Posts of Heads of Diplomatic, Consular, and other similar Indian Missions in countries abroad (e.g., Ambassadors, High Commissioners, Ministers, Commissioners, Consuls-General, Representatives, Agents).
- (5) Posts on the personal staff attached to holders of posts mentioned in items (1) to (4) above.
- (6) Posts in the Secretariat of the Lok Sabha and the Rajya Sabha.
- (7) All technical and administrative posts in or under the Atomic Energy Commission.
- (8) Judicial Commissioners and Additional Judicial Commissioners, District Judges and Additional District Judges in Union Territories.
- (9) Subordinate Judges and Munsiffs in the Union Territories of Manipur, Tripura and Himachal Pradesh.
- (10) All Class III and Class IV Services and posts, save as otherwise expressly provided in the relevant rules or orders governing recruitment thereto.
- (11) Any service or post concerned with the administration of the North-East Frontier Agency.
- (12) Any service or post or class of posts in respect of which the Commission has agreed that it shall not be necessary for it to be consulted.

List of Posts*and Services Excluded from the Purview of the Commission during the Period from September 1958 to March 1964.

1. Posts on the Secretariate and Personal staff of the President of India.
 2. Posts in the Vice-President's Secretariate.
 3. Official Liquidators under the Companies Act, 1956.
 4. Posts/Services concerned with the Administration of the Naga Hills—Tuensang Area.
 5. Officer for Parliamentary Affairs in the Ministry for Home Affairs.
 6. Assistant Official Liquidators under the Companies Act, 1956.
 7. Posts in the Government Hospitality Organisation.
 8. Posts of National Research Professor under the Ministry of Scientific Research and Cultural Affairs (now Ministry of Education).
 9. Posts of Director, Deputy Director and Assistant Director in the Regional Centre for the Training of Educational Planners, Administrators and Supervisors in Asia.
 10. Posts connected with Special Border Security Schemes under the Ministry of External Affairs.
 11. Posts of Consultants in the Planning Commission.
-

SOME COMMENTS BY DR. PAUL H. APPLEBY

It is my tentative opinion that too much is made here of the separation of the Public Service Commission members from other areas of public responsibility consequently. That the Commissioners should not be eligible for appointment to positions originally set up or enhanced in importance during their terms as Commissioners seems to me the simple and essential safeguard. Other provisions that may have seemed desirable when the Civil Service was weak become absurd years later when it is powerfully entrenched.

The same line of thought applies to some of the rigidities of early practice in examination, appointment and promotion. Once a civil service system is strong the need is to make it flexible. The secondary school pupil is drilled in sentence—structure, punctuation and other elementary things as if they had been determined by immutable natural law. But when some of these pupils reach maturity they may have distinguished literary careers in the course of which their sentences are often better for ignoring grammar-school rules, and individual punctuation becomes a mild feature of a brilliant style. So with the civil service in its maturity—and certainly India's is as old as any!

I once had lunch in Ottawa with the heads of the U.K., Canadian and United States Civil Service Commissions, and with a small number of other distinguished Civil Service champions. The table talk ran to such fanatical pre-occupation with civil service that it seemed to me to reflect a belief that "government" and "democracy" were terms comprehending inferior values. I therefore took what is for me the very unusual course of remaining silent. At the end of the meal, when we had risen and had opportunity to speak casually, I said to a friend I regarded as most fanatical of the lot, "I refrained from comment during the luncheon. If I had spoken I should simply have said, 'The Civil Service idea has been over-sold'. I expected a hot rejoinder. Instead he said simply, "O, of course, it has!" And actually, the Civil Service League in the U.S.A. has been taking a very statesman-like position in recent years trying to serve democratic values better at some expense to traditional civil service pretensions.

The end in view surely is good government, effective government, serving the values of democracy. System it must have, but

system in which there is room for imagination and adaptability. Any system strictly and invariably followed in a *literal* way is deadening. A system that provides room for the exercise of discretion in using *diverse* testing methods, in selecting from *many* eligibles, and in assigning persons in terms conducive to the formulation of congenial working units within which communication is easy—this is the primary essential. The ultimate essential is that civil servants so selected and so assigned shall be free to speak their minds to their ministers and at the same time deeply aware of the paramount importance of politics and politicians.'

**DR. L.M. SINGHVI'S OBSERVATIONS
DURING THE LOK SABHA
DEBATE ON THE ANNUAL REPORT
OF THE U.P.S.C. FOR
1962-63*.**

.....

My objection is that the scope of its activities does not extend far enough as the hon. Member who preceded me pointed out. Even though we have the U.P.S.C. in existence in this country, we find that there is a sizable erosion in the psychological stability and morale of services in recent years. Why is it so? Have the ill-winds of frustration been able to cause this erosion in spite of the U.P.S.C. and other assurances of the stability of the services which we have provided in the constitution and in the various statutes? If that is so, it is one of the greatest indictments against this administration as it would be against any administration. If you wish to secure a substantial recession in the clamour and chorus of complaints of nepotism, we must seek to extend the scope of the activities of the U.P.S.C.

.....

It has been pointed out year in and year out that the standards of attainment of the candidates have registered a distinct deterioration. The U.P.S.C. cannot possibly be blamed for this decline in standards; it is to be found in the abnormal and alarming decline in the standards of university education.

.....

I would like to bring to the attention of this House that we are committed to the continual expansion of the public sector in our country. If that is so, it is obvious that employment opportunities would be very great in this field. I would like to know whether the Government is not aware of insistent complaints of nepotism and

*From *Lok Sabha Debates* Vol. XXI, No. 22, September 11, 1963.

favouritism in the public sector ; whether it is not a fact that every now and then jobs have been given in the public sector as a matter of favour. If that is so, I want to know whether the Government would not consider the establishment of a new and separate Public Service Commission for public under-takings in this country—in view of the expanding business in this country, I suggest that steps should be taken to establish an Indian Business Management Service.

I would then like to refer to the central issue which affects our administration in this country today and that is the need for a unified civil service.—We must consider whether the time has not come for unifying our civil service and to secure a lateral movement and a continual rational re-allocation between different branches of the services, and of personnel, according to their aptitudes after they have been in service for some time. If this is not done, I think our service structure would suffer from certain rigidities which should be avoided.

.....

At least some of the appendices of this, the 12th Report of the U.P.S.C., constitute a very potent charge-sheet against the Government.—Shri Kamath referred to appendix IV but he forgot to ask the Minister why the Officer for Parliamentary affairs in the Ministry of Home Affairs is also one of those exempted from the purview of the Commission.—I would then like to refer to pages 48-49 wherein we find a list of posts for which requisitions were cancelled after advertisement but before interview and a list of posts for which requisitions were cancelled after advertisement and interview of the candidates. How much waste and public money is involved in this ?

I would also like to refer to the phenomenon of delayed and deferred appointments. The position in this appendix is, as on 31st March, 1962, alarming. The delays are in all conscience highly unfair and completely unjustifiable. I hope the Minister will have an explanation to render to the House to justify these delays.

The same is true in the case of delayed references and irregular appointments—I wonder if the Minister would be able to explain this phenomenon of delayed references to the Commission and irregular appointments by the Government.—————

Then a word about personality test.—I think the personality test is on the whole a very wholesome requirement in the selection procedures, though it is true that personality test has to be improved

and the interviewing skills have to be improved.—It seems that there is a lack of sensitivity, a lack of sympathy, a lack of proficiency and skill in interviewing at the present time in the Union Public Service Commission. I do not mean this as censuring the Commission, but I think this is bound to happen when new procedures and new skills of interviewing are not assimilated in their approach.

——the most important thing for this Parliament is not only to watch but also to rectify the relation between political leadership, the Ministers and the Administration.—It seems that the bureaucracy in this country thrives behind the cloak of cabinet dictatorship. I think this is a tendency which the Government must, in good time, cure, because they cannot continue as a democratic government and yet be captives of bureaucratic procedures. I hope the services would act as the conscience of the community in a backward country and would demonstrate that their opportunity is as great as the destiny of this nation is.

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39	28	three	there
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46	39	qulified	qualified
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59	31	Late	late
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